



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



**HARVARD LAW SCHOOL
LIBRARY**

GIFT OF

Received

CONTESTED ELECTION CASE

OF

4

GEORGE R. McLEAN

v.

CHARLES C. BOWMAN

FROM THE

ELEVENTH CONGRESSIONAL DISTRICT
OF PENNSYLVANIA

— KP

4977

M34

1124

111

WASHINGTON
1911



CONTENTS.

	Page.
NOTICE OF CONTEST.....	5
ANSWER TO NOTICE OF CONTEST.....	506-510
NOTICE OF MOTION TO THE CLERK OF THE HOUSE OF REPRESENTATIVES TO SUP-PRESS TESTIMONY.....	3
EVIDENCE FOR CONTESTANT.....	6-504
Notices to take depositions	6,
42, 115, 172, 180, 273, 291, 315, 391, 392, 466, 468, 469, 494	
Stipulations.....	466, 485
Objections on part of counsel for contestee	82,
229, 247, 273, 281, 291, 295, 321, 324, 486, 493	
Objections on part of counsel for contestant.....	45, 253, 440
Tabulated statement of vote cast for governor and Representative in the Sixty-second Congress, Nov. 8, 1910, in Pittston city, West Pittston, Duryea, Nanticoke, and Edwardsville.....	299-301
Exhibit.—Tabulated statement of vote cast for C. C. Bowman, for Congress, and for Madison Larkin, Prohibition candidate for governor	305
Exhibit.—Opinion and decree of the Court of Quarter Sessions of Luzerne County in certain cases	486-493
TESTIMONY FOR CONTESTEE.....	505-762
ANSWER TO NOTICE OF CONTEST.....	506-510
Notices to take depositions	510, 570, 582, 608, 635, 650, 656, 686, 702, 719
Objections by counsel for contestant.....	511, 701, 708, 744
Objection by counsel for contestee	701
Agreement	718
Exhibit A.—Certified copy of paper, filed in the office of the secretary of the Commonwealth of Pennsylvania, substituting Charles C. Bowman as the Prohibition candidate.....	669
Exhibit B.—Certificate of nomination substituting Henry W. Palmer as candidate of the Prohibition Party for the eleventh congressional district of Pennsylvania, in place of Agib Ricketts, for the year 1908.....	669
Exhibit C.—Certified copy of the certificate of nomination substituting Henry W. Palmer as a candidate of the Prohibition Party for the eleventh congressional district of Pennsylvania, in place of Agib Ricketts, with-drawn.....	670
Exhibit V.—Report of campaign receipts and disbursements by Jonathan Davis, chairman-treasurer of the Luzerne County Republican Committee.	704
Exhibit W.—Expense account of George R. McLean, the Democratic can-didate for election to Congress Nov. 8, 1910	706
Exhibit X.—Account of William S. McLean, jr., treasurer for George R. McLean, candidate for election to Congress Nov. 8, 1910.....	707
Exhibit Y.—Withdrawal of Ira E. Hartzell as a candidate of the Prohi-bition Party	713
Exhibit A 1.—Nomination of Fred Rodda as a candidate of the Prohibition Party for sheriff of Luzerne County	713
Exhibit A 2.—Nomination of Stephen C. Hartman as a candidate of the Prohibition Party for recorder of deeds, in place of William Hosier, withdrawn.....	714
Exhibit A 3.—Letter of Theodore M. Johnson, withdrawing as a candidate for coroner of the Prohibition Party	715
Exhibit.—Certified list of the votes registered in the eleventh congressional district at the election held Nov. 8, 1910	750-756
TESTIMONY FOR CONTESTANT IN REBUTTAL.....	763-788
Notices to take depositions	763, 774, 783, 784
Objections on part of counsel for contestee	770, 775, 782, 783
Exhibit.—Contestant's Exhibit B. T. A. M., May 6, 1911, rebuttal.....	775
Exhibit.—Contestant's Exhibit G, congressional contest.....	778

CONTESTED ELECTION CASE
OF
GEORGE R. MCLEAN V. CHARLES C. BOWMAN,
FROM THE
ELEVENTH CONGRESSIONAL DISTRICT OF PENNSYLVANIA.

NOTICE OF MOTION.

Please take notice that upon a notice of contest of George R. McLean, contestant, and the answer of Charles C. Bowman, contestee, and upon certain proceedings in this matter, the undersigned, Charles C. Bowman, contestee, will make a motion before the Clerk of the House of Representatives, at his office, at the Capitol, in the city of Washington, D. C., on the 6th day of July, 1911, at 11 o'clock in the forenoon on said day, to suppress all testimony and exhibits of the contestant, George R. McLean, in the above-entitled matter, upon the grounds hereinafter set forth:

I. That the notice of contest herein was not given to the contestee, Charles C. Bowman, until 68 days after the result of the election of November 8, 1910, was determined by the board of canvassers authorized by law to determine the same, in violation of the specific provision of the Revised Statutes, section 105, requiring service of a notice of a congressional contest within 30 days after the determination of the result.

II. That the reason and excuse of the contestant, George R. McLean, as stated in the notice of contest, for his failure to serve said notice of contest within the statutory period of 30 days, is insufficient, frivolous, improper, and invalid, either in law or in equity.

III. That said notice of contest, dated January 11, 1911, is invalid and illegal, for failure to specify particularly the grounds upon which the contestant relies in the attempted contest. This objection is more fully set forth in the answer of the contestee, Charles C. Bowman, served upon George R. McLean, the contestant, February 10, 1911.

IV. That the testimony of the witnesses for the contestant, George R. McLean, was not reduced to writing in their presence and in the presence of the parties or their agents, nor was it duly attested by said witnesses, as required by the laws of Congress pertaining to such testimony. (Rev. Stats., sec. 122.)

V. That the testimony taken by the contestant, George R. McLean, herein, was not forwarded by mail or expressed to the Clerk of the House of Representatives by the officers taking the same, as required by the act provided March 2, 1887 (24 Stat. L., p. 445).

Please take notice that if the above motion is denied, the contestee, Charles C. Bowman, without waiving any of his rights in the future to insist upon the dismissal of the contest herein, upon the grounds hereinbefore stated or otherwise, shall make numerous motions upon various grounds to suppress certain portions of the testimony and exhibits taken and offered in evidence by the contestant, George R. McLean, and especially upon the grounds that the testimony and exhibits objected to are irrelevant, incompetent, immaterial, or improper.

The contestee, Charles C. Bowman, at the same time shall make a motion for such other or further relief as may be just and proper in this matter..

Dated June 26, 1911.

CHARLES C. BOWMAN, Contestee.
Per W. L. B.
F. W. WHEATON,
EVAN C. JONES,
WILLIAM L. BOWMAN,
Counsel for Contestee.

To GEORGE R. MCLEAN, Esq., contestant; Hon. JOHN T. LENAHAN; ANTHONY C. CAMPBELL, Esq.; JOHN E. JENKINS, Esq.; WILLIAM S. MCLEAN, Jr., Esq.; EDWIN SHORTS, Esq., counsel for contestant; SOUTH TRIMBLE, Esq., Clerk of the House of Representatives.

STATE OF PENNSYLVANIA, Luzerne County, ss:

Personally appeared before me, Evan C. Jones, who, being duly sworn, deposes and says that he served the within and foregoing notice upon George R. McLean, contestant, and John T. Lenahan, counsel for contestant, personally, at Wilkes-Barre, Pa., on the 27th day of June, 1911, by handing to each of them a true and attested copy thereof and by informing each of them of the contents of the same.

EVAN C. JONES.

Sworn and subscribed to before me this 27th day of June, A. D. 1911.

[SEAL.] *ANNA GAUGHAN, Notary Public.*

My commission expires January 16, 1915.

Testimony taken before Arthur L. Turner, Esq., notary public, February 18, 1911, at 10 o'clock a. m., at the office of William S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa.

Appearances: John T. Lenahan, Anthony C. Campbell, and John E. Jenkins, Esqs., for contestant; Frank W. Wheaton and Evan C. Jones, Esqs., for contestee; John A. Opp, Esq., notary public, as commissioner for contestee.

Mr. JENKINS. We offer in evidence the commission of notary public of Arthur L. Turner, which is recorded in the recorder's office of Luzerne County, Pa., and in commission book No. 14, at page 12.

(The same is admitted and marked "Contestant's Exhibit 1. T. A. M., February 18, 1911.")

Mr. JENKINS. In accordance with the statute, the contestant hereby names Arthur L. Turner, Esq., a member of the bar of this county of Luzerne, State of Pennsylvania, and also a notary public, to sit and act as commissioner in this case. The said Turner also appoints Thomas A. McAndrews as his stenographer.

Mr. JONES. By virtue of the statutes, the contestee herewith names John A. Opp, Esq., a member of the bar of Luzerne County and notary public, duly commissioned, to sit and act with Arthur L. Turner, Esq., in this case. The said John A. Opp, Esq., appoints Harry F. Geddes stenographer.

(The commission of Mr. Opp is admitted without question.)

Mr. JENKINS. Contestant offers in evidence notice of contestant, dated Wilkes-Barre, January 11, 1911, addressed to C. C. Bowman, with affidavit of proof of service annexed thereto; that the same was personally served on the contestee, C. C. Bowman, on the 14th day of January, 1911.

(The same is admitted and marked "Contestant's Exhibit 2, February 18, 1911. T. A. M." the following being a copy of said notice:)

WILKES-BARRE, Pa., January 11, 1911.

Hon C. C. BOWMAN, Pittston, Pa.

DEAR SIR: You will please take notice that I claim to have been elected as the Representative in Congress from the eleventh congressional district of Pennsylvania at the election held November 8, 1910, and therefore design and intend to contest your election to and your right to a seat in the House of Representatives in the Sixty-second Congress of the United States for the eleventh congressional district of Pennsylvania, and hereby specify particularly the grounds upon which I rely in the contest.

1. The expenditure by you and your agents of large sums of money at said election in said congressional district, which sums were in excess of and for

purposes outside of those contemplated by law and which corrupted a large body of the electors in said congressional district.

2. The expenditure of large sums of money not accounted for by you in the account of expenditures filed by you and your agents.

3. The intimidation of the voters in each of the election districts of the township of Jenkins, and in the north, south, and fourth districts of the township of Pittston, all in said congressional district, which intimidation consisted in the presence of members of the State constabulary in and around the election booths of said districts, sent there by the district attorney of Luzerne County, Pa., at the behest of you and your agents, which action resulted in large numbers of qualified voters in said districts refusing to register their votes.

4. The intimidation of voters and compelling said voters to permit mining bosses and those in their employ to mark and cast the ballots for said voters in the south, north, Driftton, Woodside, Hazlebrook, and northwest districts of Foster Township, the third, sixth, seventh, and twelfth districts of Hazle Township, and the middle district of Newport Township, all in said congressional district, which said intimidation and compulsion procured for you the votes of many unwilling and ignorant voters.

5. The casting and returning of a large number of illegal votes in each of said last-mentioned districts.

6. The irregular and illegal substitution of your name by unauthorized persons and process as the Prohibition candidate for Representative in Congress for the eleventh congressional district at the election held November 8, 1910, by means of which irregular and illegal substitution 722 votes were returned as having been cast for you as the candidate aforesaid, to which you are not entitled.

7. Altering the returns in a great number of voting districts in said congressional district by adding to the honest return of the vote cast in said voting districts a large number of votes purported to have been cast for you as the said Prohibition candidate for Congress, more particularly in the sixth district of Hazle Township, first ward of Ashley Borough, first district of Butler Township, Borough of Warrior Run, second ward of the Borough of Avoca, middle district of the township of Newport, southwest district of the township of Salem, third ward of the Borough of Edwardsville, third, tenth, and eleventh wards of the Borough of Plymouth, sixth (west) district of the township of Plymouth, first and fourth wards of the Borough of Dorranceton, township of Franklin, northeast district of Lehman Township, second district of the thirteenth ward of the city of Wilkes-Barre.

8. The unwarranted action of the court in throwing out the returned vote of the fourth district of the township of Pittston, whereby I was deprived of 115 votes legally cast for me.

9. The large and illegal use of money by which a large number of electors in many of the election districts were corrupted, particularly in all the wards of the Borough of Freeland, in the first ward of the Borough of Ashley, in all the wards of the Borough of Avoca, in all the wards of the city of Pittston, in all the wards of the Borough of Nanticoke, in all the wards of the Borough of Edwardsville, in all the wards of the Borough of Duryea, and in all the wards of the Borough of West Pittston.

10. Illegal votes being permitted to be cast and returned for you and the falsifying of the returns in your interest in the second ward of the Borough of Freeland, in the Hazlebrook district and the northwest district of the township of Foster, second ward of the Borough of Avoca, middle district of the township of Newport, fifth ward of the Borough of Nanticoke, second and fourth wards of the Borough of Duryea, second district of the sixth ward of the city of Wilkes-Barre, whereby illegal votes to the number of 1,000 were falsely and fraudulently counted as having been cast and were falsely and fraudulently returned for you.

11. Falsifying the returns in the north district of the township of Pittston, second ward of the Borough of Edwardsville, and the sixth west district of the Township of Plymouth, whereby I was deprived of legal votes to the number of 200, and illegal votes to the number of 120 were falsely and fraudulently counted and returned for you.

12. Promising individual voters in said district large sums of money, and in some cases nameless amounts, to vote and work for you at said election, which offers amounted to attempted bribery and were not such expenditures as the law contemplates.

13. All of the acts alleged in this notice were done, countenanced, and authorized by you or your agents, prior, during, or subsequent to said election of November 8, 1910, at which you were the Republican candidate for Representative in Congress, as heretofore set forth.

By reason of the false, fraudulent, and illegal acts hereinbefore set forth you were fraudulently and illegally returned as having been elected, but by an honest count of the legal votes cast at the said election I was elected Representative in Congress from the eleventh congressional district of Pennsylvania and you were defeated.

This notice would have been given you at an earlier date had I not been ill and prevented by advice and compulsion of my physicians from taking any part in professional business or political affairs from the 31st day of October, 1910, until the 2d day of January, 1911.

Yours, truly,

GEORGE R. MCLEAN.

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

George P. Dreyer, being duly sworn according to law, doth depose and say that he served the foregoing notice of contest upon C. C. Bowman personally on the 14th day of January, 1911, at 4.30 o'clock p. m., by leaving with said C. C. Bowman a true and correct copy thereof and making known the contents thereof to said Bowman, which service was made in the city of Wilkes-Barre, County of Luzerne, and State of Pennsylvania, at the depot of the Lehigh Valley Railroad Co., situate therein.

GEORGE P. DREYER.

Sworn and subscribed before me this 21st day of January, 1911.

[SEAL.] ARTHUR L. TURNER, *Notary Public.*

My commission expires January 21, 1911.

Mr. JENKINS. We also offer in evidence notice of hearing and names of witnesses in the above-stated contest, addressed to the contestee, C. C. Bowman, signed George R. McLean, together with the acceptance of service by F. W. Wheaton, attorney for contestee, dated February 16, 1911.

(Paper admitted and marked "Contestant's Exhibit No. 3, February 18, 1911. T. A. M." the paper being as follows:)

In re election contest of George R McLean, contestant, v. Charles C. Bowman, contested, for Representative in Congress for the eleventh congressional district of the State of Pennsylvania, contesting the election held for said office in said district on the 8th day of November, 1910.—Notice of hearing, names of witnesses, etc.

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Saturday, the 18th day of February, 1911, at 10 o'clock in the forenoon, at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him as provided by sections 100, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Hon. C. C. Bowman, Pittston, Pa.; Jonathan R. Davis, Kingston, Pa.; Joseph F. Robinson, Wyoming, Pa.; E. C. Dreher, Wilkes-Barre, Pa.; J. L. Peck, Scranton, Pa.; T. M. Powell, prothonotary, Wilkes-Barre, Pa.; Agib Ricketts, Wilkes-Barre, Pa.; Frank Argust, Wilkes-Barre, Pa.; Fuller R. Hendershot, Plymouth, Pa.

GEORGE R. MCLEAN.

Service accepted February 16, 1911,

F. W. WHEATON,
Attorney for Contestee.

Dr. E. C. DREHER, called on behalf of contestant, duly sworn by Commissioner Turner.

Direct examination by Mr. LENAHAN:

Q. You are a practicing physician here in the city of Wilkes-Barre?—A. Yes, sir.

Q. How long have you been engaged as a practitioner in Wilkes-Barre?—A. Since 1895.

Q. When did you graduate?—A. Graduated in April, 1893.

Q. Where did you proceed to practice your profession immediately after your graduation?—A. Practiced with my father in Tamaqua.

Q. For about two years?—A. No, sir; for one year and six months, and then I was in the city of Pittston, Pa., for about six months, and then in the city of Wilkes-Barre.

Q. Do you know George R. McLean, contestant in this case?—A. Yes, sir.

Q. How long have you known him?—A. I have had a speaking acquaintance with him—that is to say, I have met him going back and forth on the street since I have been here, but I have treated his family only since last June, probably.

Q. Whether or not, Doctor, you had occasion to treat him in your professional capacity in the year 1910, and if you did I wish you would go on and state when you began to treat him and when you ceased treating him, telling at the same time what the nature and character of his malady was; take your own time and tell it in your own way.—A. I have a few dates written down here which I will have to refer to to be correct: On Tuesday morning, November 1, about 1 o'clock in the morning, was the first time I treated Mr. McLean himself.

Q. Did you call at his house at that time?—A. Yes, sir; they telephoned for me a little before 1 o'clock, and I went right up to see him then. Do you want me to describe the symptoms?

Q. Yes.—A. He was sitting at a table bending over, in a bending-over fashion. Utterly impossible for him to straighten up, and he complained of very severe pain, and was in decided agony, apparently.

Q. Pains where?—A. Below the ribs on the left side of the abdomen in the region of the epigastric and left hypochondrical section. There was one point about the size of 2 inches in diameter or an inch and a half. He gave me the history of being taken ill that night in Pittston, and that he had to have a physician in Pittston, and having different treatment there, including, first, hypodermics for the pain, and was brought home, and got home before I got there. I saw Mr. McLean three times that day and daily thereafter during the month of November, with one exception.

Q. You saw him every day during the month of November, with the exception of one day?—A. If my memory serves me right, I saw him every day but election day, as far as I know, in the month of November.

Q. I wish you would go on and state what the trouble was.—A. In getting at the diagnosis it was confusing, because in the start we had to take the history of the case. Mr. McLean had given me a history of repeated attacks of bloody dysentery ever since he had typhoid fever in the Spanish-American War. The last attack of dysentery was in the summer of 1910, and he had a history of more or less consciousness of distress in this locality during that time. Previous, several weeks before, he was taken ill and had been unable to eat and had a great deal of pain and distress when he would eat, so much so, he told me, that at the time he often went several days and hadn't eaten anything but oyster soup, or a little bit of broth, owing to the condition he got from eating. He stayed in about that same condition. It was about four days before he could recline on the couch. He spent the greater part of two days bending over the table, unable to lie down.

Q. He couldn't lie down?—A. No, sir; he couldn't straighten up, and at the end of four days he could lie on the couch with his legs supported—relaxed as much as possible—and I think at the end of six days he was able to limp, by favoring his side and holding it, and in this way he was able to walk around the room, which at that time I allowed him to do. The diagnosis at that time of his condition was inflammatory colitis, following a chronic ulcerated condition of the colon.

Q. Now, when did you cease treating him?—A. I was to see him last on the morning—December 1, 1910.

Q. That was the last you saw him?—A. That was the last I saw him at that time. At that time I advised him strongly to go away.

Q. What did you consider brought on that attack?—A. I considered that his condition was an acute aggravation brought on by his work and nervous excitement; that part of the intestinal tract being peculiarly liable to influence from the nervous system.

Q. Up to that time he was in the house, up to election day?—A. Yes, sir. On election day Mr. McLean was so improved that slowly he could go around the room, favoring himself, and I came to see him on the morning after election day. I went to see him and he was not so well. He complained of a return of the pain.

Q. When was that? Was it the second day after election?—A. Yes; he got considerably worse and the condition returned; he wasn't able to sit erect, and he had to favor the side. On the 14th day of November, on a Monday, I called Dr. Peck, of Scranton, in consultation on the case. Dr. Peck came down to see him and made a thorough examination of Mr. McLean, and more or less coincided in the diagnosis and treatment, and we put Mr. McLean to bed and kept him there continuously for two weeks on a very slim diet and absolute rest. At the end of two weeks I let him up around a little. Dr. Peck, on the following day, the 15th of November, was down again in consultation, and about the 26th or 27th of November, I let him get up for the first time out of bed. He was not free of pain at any time, even then. I advised him then that he would have to go away and have perfect and absolute rest, and he had promised me that he would go on the 1st of December, but couldn't go; but he went on the 2d, and I was there to see him on December 1st, and I didn't see Mr. McLean until after his return, the last week in December.

Q. Now, what was his condition at the time he left? You saw him on December 1st, and he left the day after. On December 1st what was his condition?—A. He was emaciated; he was so weak he could hardly move around; he had still a consciousness of a decided soreness in the region below the original spot where this trouble was; he was generally not in a good condition.

Q. Was he capable of attending to any business at that time whatever?—A. He was not, for the simple reason that I told him that owing to the fact that this condition was aggravated by what he had been doing, and his worry and work, if he wanted to get better without any serious developments he would have to have absolute quiet.

Q. Do you know where he went to when he left?—A. I only know after he had gone he wrote me from Florida, and in this letter from Florida he requested me to—I told him when he was going away to let me know how he was, and this letter said that at different times—

Mr. JONES. Objected to; object to the contents of the letter.

Q. That was the first letter?—A. The first letter had to say—

Mr. JONES. Have you the letter, Doctor?—A. I might have it, but I don't think so. I don't ever keep those letters. I will look it up. I may have it.

Q. You can go on and tell what the contents were, and if you can find the letter bring it here later.—A. The letter said that he felt that he was improving. He felt some stronger, but that he had more or less consciousness of pain on exercising and moving about. Then I received another letter—

Q. How long was this after his first letter?—A. I will have to estimate that. I think about two days after I had another letter from him, stating that he was not so well, and if I wanted to make any change in his treatment I should do so and write him to Savannah, Ga., I think. I immediately sent him some medicine to Savannah, and got it off promptly, and he told me when he returned that he got this medicine at Savannah, Ga. That is the last of correspondence. That was the last I heard of Mr. McLean until his return.

Q. Do you know when he returned?—A. He didn't tell me that.

Q. When did you see him first after his return?—A. I saw him two or three days after Christmas.

Q. About the 28th of December?—A. Yes, sir.

Q. Where did you see him then?—A. I saw him in my office.

Q. What was his condition then?—A. His condition was decidedly improved over what it had been when he went away. He was still weak and very conscious in the region of the source of trouble.

Q. How long did you continue to treat him after December 28th?—A. I told him that he would have to come down to the office as soon as it was convenient for him, and have me treat him with electricity over his sore area. He came to the office on the 31st—I am not sure about that time—but I think that it was

the 31st of December, or the 1st or the 2d of January, along there, and I can get that time exact by referring, but he came down there once, and I treated him at that time, and I gave him a large supply of medicine, enough to last him for several weeks, and I gave him electrical treatment over the abdomen where the trouble was.

Q. When did you treat him again?—A. I didn't treat him again.

Q. At the time, Doctor, when you supplied him with medicine, whether or not he was capable of attending to the general affairs of business?—A. I told Mr. McLean this way: I told him what his condition came from. It would not have come over a normal man, I think that; but with his previous condition in the colon and the history of the ulceration, if he did any work of any kind, he would get in a worse condition than he had been in, and I cautioned him every time that I met him that he had to be very careful what work he did, and to do no more than he had to, because he was absolutely not fit to do any work.

Q. Whether or not during the whole time you attended him, up to and including the 2d of January, you said you last treated him, you had especially warned him that he must abstain from any participation in any kind of business, especially to avoid talking politics and discussing questions of election?

Mr. JONES. Objected to as leading.

A. I told him not once but a number of times when he was to see me that he positively had to rest and take care of himself and do nothing until he was well. I told him this when I was there to see him, too.

Cross-examination by Mr. JONES:

Q. You were called to attend Mr. McLean first on the 1st of November at 1 o'clock?—A. Yes, sir.

Q. And you called on him every day after that until the day after election?—A. Yes, sir.

Q. Did you see him election day?—A. I saw him in the morning of election day.

Q. Was he able to be about the house?—A. The day before election was the first day he was able to go to the bathroom from the couch, and I permitted him to walk around the house that day.

Q. Did you permit him to go out and vote on election day?—A. I did.

Q. You didn't consider his condition such that it would be dangerous for him to take a conveyance and go out to vote?—A. I didn't, for the simple reason that Mr. McLean improved apparently up to that time. While improvement was slow, he was anxious to go out, and I told him if he only wanted to get in a carriage and would come right back, I didn't consider any harm would arise.

Q. You did not see him on the day after election?—A. No, sir.

Q. You saw him every day after that until the 1st of December?—A. Yes, sir.

Q. How much of that time did he spend in bed—from election day until December 1?—A. He tried to be around the room for several days after election. But I saw him; he then laid on a couch and in a reclining chair, and on the 14th he was put to bed and kept there until, I think, the 28th, several days before he went away.

Q. Do you know whether he saw visitors up until the time that you put him to bed?—A. What do you mean by visitors?

Q. People other than the immediate family.—A. Once, I think, I was there. I saw two men coming out of the room. I think it was several days before election, a day or two or three days before.

Q. After election day do you know whether or not he received visitors?—A. No, sir; the instructions were that he was to be kept perfectly quiet.

Q. He could have consulted with people, couldn't he?—A. He could not carry on a continued conversation. He could say the time of day to his immediate family, or something like that, but he was in no shape to sustain a continued conversation.

Q. He was able to get around the house until November 14?—A. You are mistaken. I said two days before election day he was not able then to get off the couch, and I allowed him to walk around the house, but he didn't do any walking around the house, because his bathroom was connected with his room, and he went from his couch to the bathroom, but he was not around the house.

Q. When Dr. Peck was called in consultation, you deemed it advisable he should be taken to his bed?—A. Yes, sir.

Q. And he did so?—A. Yes, sir.

Q. And when did he improve so that he was able to arise from his bed?—A. I think that it was the 28th of November. It was the latter part of November—November 28 or 29.

Q. And from that time until the time he went away he was able to be about the house? In and about the house?—A. I can't answer that question intelligently, because I don't recall whether he could be up around the house. It is not my recollection that he could, but I can not distinctly say so.

Q. On the 1st day of December, under your advice, he left the city?—A. Yes, sir.

Q. To go where?—A. He told me—he suggested that he was going South, to Florida.

Q. Was he in condition to take that long journey at that time?—A. Yes, sir; the two weeks that he was in bed he improved very rapidly during that time.

Q. So much so you deemed it reasonably safe for him, from your long experience as a physician, that he should undertake this long journey?—A. I deemed it safe in this way: Mr. McLean was to go to Philadelphia and stay two days, one or two days, and if in that time he showed any signs of not being able to stand the trip, he was not to go, but to return home or go to bed there.

Q. Then so far as you know he suffered no inconvenience or discomfort on his Philadelphia trip?—A. I know from his story to me that he was not free of any discomfort or pain until after January.

Q. You have already stated that you told him to go to Philadelphia, and if he found that he was unable to continue the trip he should not go to Florida?—A. Yes, sir.

Q. But you know that he did continue his trip and did go to Florida?—A. Yes, sir; I know it from the letters that I received.

Q. From the letters and subsequent conversations with Mr. McLenn?—A. That is all.

Q. Do you know what parts of the South he visited?—A. I do not. I know that one letter that I received was from Daytona, Fla.

Q. And one letter was from Savannah, Ga.?—A. No; they were both from the same place: but in the second one, which was a request for medicine, he directed me to send it to Savannah.

Q. While he was on that trip, did he tell you that he intended going to Washington?—A. No, sir; he did not.

Q. Do you know if he did go to Washington?—A. No, sir; I don't.

Q. When he returned on the 23d or 24th of December, did you see him?—A. I saw him two or three days after Christmas.

Q. What was his condition then?—A. Decidedly improved over what it had been when he left here, but at the same time it was not good or specially promising.

Q. Then, as I understand it, it was December 28 the last time that you saw him?—A. No: he came to my office for treatment, I think, the 2d of January.

Q. You said in your testimony in chief that you saw him on December 28?—A. Yes, sir.

Q. Did you advise him at that time that he must refrain from any work?—A. Yes, sir; of that I am positive.

Q. Did he consult you as to the advisability of his attending social functions?—A. Not that I remember.

Q. Do you know, as a matter of fact, that he was able to remain out until late hours in the morning at social functions?—A. I would not have considered him so; no. But I was not consulted in the matter.

Q. When you saw him on the 28th, whether or not he told you that he was going to attend the charity ball on the 29th?—A. I don't know.

Q. When you next saw him, January 2, did he tell you that he had attended the charity ball?—A. Not that I can recall.

Q. From that time, December 28 to January 2, you did not see Mr. McLean?—A. No; I was out of town.

Q. Have you treated him since January 2?—A. Only on the 2d of January, when I gave him enough medicine to last him at least two weeks, and have inquired frequently how he was getting along.

Q. You haven't treated him since?—A. Not to give him any medicine.

Q. How many times did Mr. McLean come to your office after his return from the South?—A. Twice.

Q. And your office is how far from the McLean house?—A. About two blocks and a half.

Q. Do you know whether he was up and about the town after he came home?—A. I do not.

Q. Well, was he able to be around the town from Christmas on? Was he able to walk around the town if he so desired?—A. I presume you mean by that did he have physical strength to do it?

Q. Yes; that is what I mean.—A. It is likely that he did have the physical strength, but at the same time he was cautioned that he could not overexert at any time.

Q. His condition was practically an inflammation of the colon?—His condition was that he had a mass—a palpable mass—and that was so marked—the extreme rigidity over the mass, the extreme soreness over the mass—and you would naturally conclude that it was an acute inflammatory condition of the colon.

Q. The colon is the large intestine?—A. Yes, sir.

Redirect examination by Mr. LENAHAN:

Q. While we, of course, all know the distance from here to Philadelphia, for the information of the members who may be called upon to pass upon this case, I would like to get it on record from you; about what the distance is from Wilkes-Barre to Philadelphia?—A. My recollection is that the distance is about 147 miles.

Q. And the running time between Wilkes-Barre and Philadelphia is about four hours, would you not say that?—A. I judge so. I would like to supplement my testimony with one important thing that I have so far neglected to state. May I do so?

Q. Certainly. Go ahead.—A. When I wrote to Mr. McLean at Savannah, Ga., I told him if he was or thought that he was not improving or not doing right, he should not under any consideration come through Philadelphia without stopping off there and consulting an eminent specialist there, Dr. O. S. Haines, of Philadelphia, about his condition.

Recross-examination by Mr. JONES:

Q. Do you know the distance from Philadelphia to Florida?—A. No; I don't.

Q. You couldn't even approximate it, could you?—A. No; it would be only a guess.

Q. Of course you know, in a general way, that it is a great distance?—A. Yes, sir; I suppose so.

Q. And you also know, in a general way, that it takes considerable time to travel it by train?—A. It takes a day and night.

Q. Did you advise his taking the journey from Philadelphia to Florida in one trip, or didn't you discuss that?—A. I don't think that was discussed.

Redirect examination by Mr. LENAHAN:

Q. When you and Mr. McLean discussed the advisability of his going to Florida, whether or not you ascertained that he could take a drawing-room car in Philadelphia and not be obliged to leave his train until he reached his destination? Whether or not he and you discussed that matter?—A. We discussed the matter and that was one of the points. Mr. McLean was talking about the distance and his going, and I said they run such magnificent trains in that country that I thought he could get in compartment or a drawing room, where he could recline, if necessary, and if he was taken acutely ill he was to get off in the largest city that he came to.

Recross-examination by Mr. JONES:

Q. Did you discuss with him that it might be advisable for him to get off at Washington?—A. No, sir; nothing was said about Washington.

Q. But you did discuss the question about the continuous trip?—A. Yes, sir.

EDWARD C. DREIER.

Dr. J. L. PECK, called on behalf of the contestant and duly sworn by Commissioner Turner:

Examination by Mr. LENAHAN.

Q. You are a practicing physician in the city of Scranton?—A. Yes, sir; I am.

Q. Scranton is about 20 miles from Wilkes-Barre?—A. Yes, sir.

Q. And about half hour's ride?—A. Yes, sir; on the express.

Q. Now, how long have you been engaged in the practice of medicine?—A. Thirteen years and a half.

Q. How long have you been in Scranton?—A. A little over 11 years.

Q. Where did you practice before that?—A. I practiced in a hospital in New York City for a year and a half.

Q. Whether or not you were called in consultation on Mr. McLean in November, 1910, and if so, go on and state when and how long you attended him—that is, consultation with Dr. Dreher.—A. I was called in consultation on Mr. McLean on November 14, and I saw him again on the next day, the 15th, as I remember.

Q. I wish you would state right here what you diagnosed his trouble to be.—A. We felt that his trouble was somewhat obscure. Markedly emaciated, and was suffering severe pains in the left upper quadrant of the abdomen, and I found a marked tumefaction, with exquisite tenderness, and a rigidity of the muscles on this side, and everything pointed particularly to a localized inflammation in the neighborhood of the splenic flexure of the colon. There was also evidence of localized peritonitis in the neighborhood of this mass. Judging from the previous history of the case he had attacks of dysentery, and it was my opinion at that time he was suffering from acute inflammation of the colon, about the region of the splenic flexure.

Q. Did you see him after that time?—A. No, sir.

Q. I wish you would go on and state, with a total abstinence from business on his part, how long in all probability it would have taken him to recover his health, so that he could attend to the ordinary affairs of life?—A. I should feel that at least it would be a month and a half.

Q. During that time did it require that he should take absolute rest?—A. It did for a portion of the time.

Q. I mean in order that he should recover completely.—A. Do you mean by absolute rest—rest in bed?

Q. No; rest from all business.—A. I should feel that his condition was such that he should not engage in any business for a month and a half at least.

Q. Whether or not you so advised him?—A. Yes, sir.

Q. You advised him at that time?—A. I advised him at that time; yes.

Q. State specifically what the advice was that you gave him as to how he should carry himself.—A. I told Mr. McLean he should remain in bed until this acute condition subsided, and until it was safe for him to get out of bed and up around the house; until he had recovered, physically and nervously, sufficiently to take up the affairs of business.

Q. You think that it would be a month and a half?—A. I think that would be about a month and a half.

Q. From the time that you saw him last, in November, 1910?—A. Yes.

Q. You are a specialist in troubles such as Mr. McLean was suffering with, are you not?—A. My specialty is surgery, but it was a question at that time whether he was a surgical case—whether there should be a surgical operation for this tumefaction.

Q. What conclusion did you come to?—A. I told his wife he was in such a serious condition that we felt an operation would result fatally, and we didn't attempt any operation for fear of the danger that was involved in the operation.

Q. I wish you would go on and tell what test you made of the blood and the results.—A. I made a blood test and found that his hemoglobin was low—it was 70 per cent as I recollect.

Q. What did that indicate?—A. Anemia. The red blood cells were about 3,000,000 and there was white blood cells probably about 12,000, showing a moderate leukocytosis.

Q. Explain what that is.—A. The diminution of the hemoglobin and the red blood cells would indicate what we call a secondary anemia—that is, the red blood was impoverished from some diseased condition of the system, and the leukocytosis would indicate there was some inflammatory process going on in the system.

Cross-examination by Mr. JONES:

Q. From the time that you saw Mr. McLean, on November 15, you had no further consultation with reference to this matter—that is, from your second call?—A. No; only by telephone.

Q. But you know nothing of his actual condition, except what he told you?—A. Dr. Dreher called me up a few times on the phone after that.

Q. But from personal consultation, personal contact, you had no knowledge of his condition afterwards?—A. No, sir; I did not.

J. L. PECK, M. D.

(Hearing adjourned until 3 p. m. Monday, February 20, 1911.)

Digitized by Google

MONDAY, FEBRUARY 20, 1911.

Hearing reconvened at 3 p. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., A. C. Campbell, Esq., John E. Jenkins, Esq., counsel for contestant; Arthur L. Turner, commissioner for contestant; C. C. Bowman, contestee, in person; Hon. F. W. Wheaton, Esq., Evan C. Jones, Esq., counsel for contestee; John A. Opp, Esq., commissioner for contestee.

Mr. AGIB RICKETTS, called on behalf of the contestant and sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Mr. Ricketts, how old a man are you?—A. Seventy-six and a half, nearly.
Q. You are a member of the bar of Luzerne County, are you not?—A. Yes, sir.
Q. And have been for how many years?—A. I was admitted here the first Monday of January, 1857.

Q. And during the whole of that time you have been in active practice in Luzerne County?—A. Yes, sir.

Q. As well as in the supreme court of the State and many cases in the United States Supreme Court, have you not?—A. I have had some cases in the United States Supreme Court; not very many.

Q. You have been chairman of the Prohibition Party in Luzerne County for how many years?—A. I was elected chairman in 1906.

Q. Where was the convention or gathering of the Prohibition Party in 1906?—A. At Fern Brook, in Luzerne County.

Q. Who were the other officers elected besides you at that time?—A. Mr. Frank Argust was elected secretary and Mr. W. B. Bertels was elected treasurer.

Q. Has the Prohibition Party of Luzerne County had a convention or a meeting of delegates of the Prohibition Party since September, 1906, at which time you were elected chairman?—A. No, sir; I have endeavored two or three times to get up a county convention, but utterly failed.

Q. Have any rules governing the Prohibition Party ever been adopted for the county of Luzerne and the eleventh congressional district of this State—Pennsylvania?—A. I don't know that I can say exactly rules; some principles have been adopted; now, for instance, one was—

Q. I mean any general rules regulating how your convention shall be held, and how your nominations shall be made since 1906?—A. Not since 1906.

Q. Now, at the meeting of the delegates of the Prohibition Party in Luzerne County and the eleventh congressional district of Pennsylvania, in 1906, the meeting at which you were elected chairman and the other officers mentioned by you were elected, what, if any, resolution was passed there as to your indorsing or accepting as your nominee the candidate of any other party.—A. I think there was a resolution adopted that we should not indorse any other candidates. That is my impression, at least.

Q. Can you give me as near as possible the verbiage of that resolution?—A. No; I don't think I can. I only know that has been our general principles, I guess, at every convention, both in the State and county, that we should simply claim our own candidates and no others.

Q. Has your party—the Prohibition Party—any organization in Luzerne County—this county? Has it had an organization in Luzerne County since 1906?—A. That is a question. I can state the facts and you decide it for yourself. The simple fact was that no person has been elected chairman, or treasurer, or secretary since 1906; and so, whatever has been done we three assumed to act by virtue of there being no successors appointed.

Q. That is you, Mr. Argust, and Mr. Bertels?—A. Yes, sir.

Q. I wish you would go on and state what took place between you and Mr. Bowman as to Mr. Bowman procuring his name to be placed on the Prohibition ticket as the candidate for Congress in the eleventh congressional district in place of Mr. Robinson, who had been nominated at the polls—the primaries in June—on the Prohibition ticket at the primaries?—A. Well, I was in bed, as I was suffering from a severe form of a disease of the back, suffering very severely, and a large part of the time I was compelled to be under an anodyne, and one day my son came in and told me that Jonathan R. Davis was in and was very anxious to see me, and he had told him that he couldn't, and I said, "The next time he comes in, if he comes in again, tell him to come up,

as I guess I can see him," and shortly after that Mr. Davis came to see me. My recollection is a little indistinct, but my impression is that I told Mr. Davis on this particular call that it was against our policy to indorse the candidates of other parties. I admitted that we had violated that in certain instances. Perhaps I had better explain why. Mr. Bertels was very much impressed with a remark that Mr. John Welles Hollenback made to him when he went to see him about funds for Prohibition work, and I think that Mr. Hollenback contributed every year more or less, and he told him that we made a mistake in our principles, and that we should pick out good men in other parties and indorse them, and that impressed Mr. Bertels so much that he stoutly insisted on that, and as a concession I yielded to him, and at one time we indorsed the whole Republican ticket, with one exception.

Judge WHEATON. Do you remember what year that was?—A. No.

Judge WHEATON. Since 1906, was it?—A. Yes; it was when Norris was elected the last time; we indorsed the rest. I became so disgusted with the whole affair I finally rebelled, and said I wouldn't do it any more.

Mr. LEAHAN. What year was that? That was 1907, wasn't it?—A. It was the same year that Jim Norris was a candidate the last time, if that is the time.

Q. That was in 1907?—A. Mr. Davis came to see me, and I told him this, and he said, "I will send Mr. Bowman to see you," and I said, "All right." I had never seen Mr. Bowman, except as chairman of the local-option meeting; and Mr. Bowman did come to see me, and I think I told him the same. He told me that Robinson had the Prohibition nomination for Congress, and I think that was the first knowledge that I had of that fact. My activity had been mainly in knocking out these pseudo nominations. Had I known before that Robinson had the nomination, I think I would have knocked it out, or attempted to do so, anyway, but as it stood it was as presented by Mr. Bowman. He said Mr. Robinson was entirely willing to resign in his favor. It was simply a transfer from one Republican to another; and after some talk about it he told me that all the rest would agree, and so I agreed to the transfer of the nomination from Robinson to Bowman.

Q. Do you recall how you did that—what kind of a paper you did it through?—A. No; I don't. I think the paper was brought there, after meeting Mr. Bowman. I was there, and I think Mr. Reynolds was there, if I am not mistaken.

Q. Mr. Reynolds?—A. Yes, sir.

Q. Were you in bed at the time?—A. No, sir; I was sitting up in a chair at the time. I really don't recollect who all were there. I think Mr. Bowman was there; weren't you?

Mr. BOWMAN. I have forgotten.

A. I think Mr. Bowman was there and, I think, a Mr. Reynolds. I forgot his first name; and then I think we signed the paper.

Judge WHEATON. What was his first name?

Mr. CAMPBELL. George.

A. I think I signed the paper.

Mr. BOWMAN. I saw you sign it.

A. I think I signed the paper, and I know that I assented to it. There is one thing I want to say for the benefit of the Prohibition Party. Mr. Bowman said to me that anything that was necessary he would furnish, and I want to say distinctly that the Prohibition Party is not in for graft in any manner or form—and so there was nothing ever paid.

Q. Nothing was paid to you; but he said he would furnish anything that was necessary?—A. He said that he would furnish anything necessary, yes; but I declined to have anything furnished, so far as I was concerned, but I think, as I said, that Mr. Reynolds brought the paper, if I am not mistaken, and, as I say, I signed it.

Mr. LEAHAN. At this convention of the delegates of the Prohibition Party held at Fernbrook in 1906, was that resolution unanimously adopted that in the future the Prohibition Party of Luzerne County would not indorse candidates of any other party?—A. I think so, although we have violated it in every instance where we have done it, as far as that goes.

Q. How long have you been connected with the Prohibition Party?—A. Since 1884.

Q. You have been very actively connected with it, have you not?—A. Some what.

Q. Do you know of any other rules or regulations or resolutions regulating the conduct of the party, except this resolution to which you have called atten-

tion, which was passed at Fernbrook?—A. Yes, sir; we had rules and regulations for the State.

Q. That was before the primary act was passed?—A. Yes, sir.

Q. But you had no rules and regulations since the primary act was passed?—A. Not that I am aware of; no, sir.

Q. The primary act, approved by the governor on March 5, 1906, in which the system of delegate conventions was abolished and the primary election substituted in its place. That act provides for the adoption of certain rules and certain regulations governing the conduct of different parties. You are familiar with this act?—A. Yes, sir.

Q. Whether or not any action was taken by the Prohibition Party to conform to the primary act of 5th March, 1906?—A. Not that I know of. I don't know of any.

Q. Outside of this resolution you say was adopted at Fernbrook Park in 1906?—A. That resolution is similar to the doctrine they have always held, all the way through.

Q. It was simply an announcement of your principles?—A. Yes, sir; from the national convention all the way down.

Q. And not of their practice?—A. As I said before, I had very serious doubts of the propriety of our practices, but we seemed to be able to get along.

Cross-examination by Judge WHEATON :

Q. These rules that you speak of, when were they adopted, the rules of—I mean the rules that govern the Prohibition Party; not this particular announcement of your principles, but your general rules?—A. The last I remember of, for our State, was when Patten was the chairman; that must have been a dozen years ago. I can't recall how long ago it was.

Q. After the passage of the act of 1906, did you consider those rules in force?—A. I don't know that I personally thought anything about it.

Q. As chairman of the Prohibition Party, if the question had come up, would you have said that those rules were still in force?—A. I doubt it.

Q. You don't think that you would have said that?—A. As I said my principal activity had been running out these bogus nominations.

Q. Suppose it were submitted to you whether these rules were in force or not, would you have considered these rules in force?—A. I think not.

Q. Then, according to you, the Prohibition Party has practically, since the passage of the act of 1906—it has practically been without rules?—A. Here in the county of Luzerne.

Q. I mean in this congressional district?—A. Yes, sir.

Q. They have had simply one announced principle, and that was to prevent candidates of the other parties from getting on their ticket?—A. Yes, sir.

Q. And yet it has been quite a common practice to violate that practice?—A. They have violated it right along.

Q. And whenever it has been violated these parties have gone upon the regular and been voted for as Prohibition candidates on that ticket?—A. Yes, sir. I ought to explain one thing. At the 1906 convention I was nominated for district attorney, for necessity, being the only Prohibition lawyer in Luzerne County. I did not wish to be a candidate for many reasons. I went to different ones, and I went to Mr. Martin Mulhall. I wanted someone to take the Prohibition nomination for district attorney, and he laughed at me, not having been nominated by the Democrats yet. I went to different lawyers, and finally I was informed that Salzburg would take it. I went to see him, and he said that he would take it, and I got my friends, Mr. Argust and Mr. Berrels, to transfer my nomination to him. It was my doing entirely.

Q. How did you do that?—A. I forgot what the process was, but I suppose by overcoming the principles.

Q. You drew up a paper that you signed as chairman, and Mr. Argust signed it as secretary, certifying that he was the candidate?—A. Yes, sir.

Q. And he became a candidate for district attorney on the Prohibition ticket the very year this principle was announced?—A. Yes, sir; that was my fault—

Q. To be a candidate of the Prohibition Party when you need a man, not a man who abstains from drinking liquor, but a man who belongs to the Prohibition Party?—A. Yes, sir.

Q. He could be practically ever so much of a total abstainer and prohibitionist, but he would not be eligible to the Prohibition ticket—such a man, unless he belonged to the party could not be eligible?—A. No, sir.

Q. He might be a total abstainer as a Republican or a Democrat and an extreme prohibitionist, but he would not be eligible to a place on the Prohibition ticket, is that your idea?—A. Yes, sir.

Q. Up to the time that you succeeded in getting Mr. Salsburg, dragging him, as it were, into this proposition, he had never been identified with the Prohibition Party?—A. Not at all.

Q. And you were in your feeble way carrying out the announced principles of the Prohibition Party at Fernbrook?—A. No; just the opposite.

Q. You violated it knowingly?—A. Yes.

Q. And you have since then violated them knowingly?—A. Yes, sir.

Q. And the other officers have done the same thing?—A. Yes, sir.

Q. And they have joined with you?—A. Yes, sir.

Q. Although you have not been reelected and no convention has been held or other meeting to reelect officers, you and Mr. Argust have continued to be the de facto chairman and secretary, at least, of the Prohibition Party since the Fernbrook convention?—A. Yes, sir; no one was appointed in our places.

Q. And you have acted in that capacity?—A. Yes, sir.

Q. And so far as you have known, the Prohibition Party in Luzerne County has ratified everything that you have done in your official capacity?—A. I don't know.

Q. Can you recall an instance where they have, as a party, filed any objection to any action taken by you and Mr. Argust?—A. No.

Q. And in every one of those instances in which you have violated these principles announced at Fernbrook the Prohibition Party has stood at your back?—A. Yes; but I don't know how they voted.

Q. Well, they have not protested against your actions?—A. No, sir.

Q. And down to the present time you are still recognized as chairman of the Prohibition Party, and Mr. Argust as the secretary, and Mr. Bertels as treasurer of the Prohibition Party in Luzerne County?—A. Yes, sir.

Q. And Mr. George Reynolds, who was present at that time you signed the paper of transfer as you call it, was a notary public, was he not?—A. Yes, sir.

Q. And he was there in his official capacity to take the acknowledgment as required by law?—A. Yes, sir.

Q. You signed the paper in the usual form?—A. I suppose, I have no distinct recollection.

Q. Did Mr. Argust sign it before that, or did he sign it there?—A. My impression is that he was not there.

Q. It was the regular, usual, ordinary way in which you had done these things before?—A. I think so.

Q. In your official capacity as chairman of the Prohibition Party?—A. Yes, sir.

Q. You know, of course, as a lawyer, that paper would have to be sent on to Harrisburg, and later filed with the Secretary of the Commonwealth?—A. I suppose so; yes, sir.

Q. And, of course, you expected that would be done, and must be done before Mr. Bowman could have his name put on the Prohibition ticket?—A. I believe so, certainly.

Q. Mr. Robinson had been nominated, hadn't he, on the Prohibition ticket for the office of Congress for the eleventh congressional district of Pennsylvania, at the primaries?—A. I was so informed. I never saw the paper and don't know it. If I had known of it in time I would have it stricken off.

Q. You would have done that by reason of the fact that Mr. Robinson, not having been for many years a member of the Prohibition Party, was not eligible for a candidate, never having been identified with the Prohibition Party, and having always been an active Republican?—A. Yes, sir.

Q. And therefore the singular circumstance was presented to you of the Prohibition Party—not you as chairman, but the party as a party—have actually gone back on the announcement of principles announced at Fernbrook?—A. I think the nomination was fraud itself; it was not from Prohibitionists at all.

Q. On the face of it, it would have to be that way?—A. Every year my principal business has been dragging out those nominations.

Q. At least on the face of it, no matter what the inside history may have been, it would appear that the Prohibition Party had put in nomination a man who was not eligible?—A. That would be a fair inference; yes, sir.

Q. As a conjecture it might be that way?—A. Yes, sir.

Q. Then you were informed that he had or was about to resign?—A. Yes, sir; to transfer it to Mr. Bowman.

Q. And whatever you did in that behalf was on the theory that he would resign, was it?—A. Yes, sir.

Q. And that would leave a vacancy in the office of Congressman for this district?—A. We didn't need to worry about that.

Q. But you understood that you were filling this vacancy and putting Mr. Bowman in his place?—A. No; I can't say that. I was simply willing to make a transfer over to Mr. Bowman the nomination from Bob Robinson.

Q. You were willing that Mr. Bowman appear, as he did appear, as the Prohibition candidate for Congress of Luzerne County?—A. Yes, sir; of Luzerne County.

Redirect examination by Mr. LENAHAN:

Q. Counsel has asked you, in cross-examination, if the Prohibition Party had ever disapproved of your action in indorsing or transferring nominations to men who were candidates on other tickets? I want to ask you now if there was ever a convention or gathering of delegates since 1906 of the Prohibition Party in Luzerne County where any action was taken with reference to your indorsement of other candidates than those you had indorsed?—A. No; that is what I stated before. There has been no action by the Prohibition Party at all. I have tried two or three times to get up a convention and get them to elect another chairman, a younger man, but I failed entirely, and there has been no action of that sort.

Q. Have you an executive committee?—A. No; we were the executive committee ourselves.

Q. And the only persons who assumed to act since 1906 were yourself as chairman, Mr. Argust as secretary, and Mr. Bertels as treasurer?—A. Yes, sir; that is all. Those were all that we could get to do anything.

Q. Do you know anything about Mr. Bertels collecting moneys from these men that had been indorsed since 1906?—A. I have been told he got money from some of them; yes, but I don't know anything about it. I have been told so; that is all.

Q. I show you one of the organs of Mr. Bowman in his candidacy for Congress in this district, the issue being the Nanticoke News of October 14, 1910, being about eight days before you signed this transfer of the nomination to him on the Prohibition ticket, and read to you the following declaration coming from his organ, and I ask you if this declaration had come to your notice before you signed that nomination to him whether or not you would have done so? [Reading.] “The attempt made by some political tricksters to array the saloon men and the liquor interests against Mr. Bowman has proved futile. The question of local option will never be heard of in the House of Congress. Should such a measure be introduced, the respectable law-abiding liquor dealers can trust Mr. Bowman. We know his neighbors in the business in Pittston can trust him. If you doubt this assertion, we refer you to Brewer Dick Hughes or Liquor Dealer John Kehoe, of Pittston.”—A. What is the question?

Q. If you had become acquainted with this declaration, coming from one of Mr. Bowman's organs, whether or not you would have joined in his indorsement on the Prohibition ticket?—A. I would have inquired of Mr. Bowman whether he knew anything of that, and if he said he did, I would not have joined. I understood at the time that the liquor men were in favor of Mr. McLean and that Mr. Bowman was on the temperance side.

Q. I read also to you another announcement in the Nanticoke News of the 21st. If you had known that Mr. Bowman was, on the 20th, present at a meeting of the Liquor Dealers' Association in Nanticoke at the hotel of Tom Warren, for the purpose of setting himself straight with the liquor dealers, would you have indorsed him?—A. No; I certainly would not. I understood at the time if Mr. Bowman was indorsed, they were indorsing a man on the temperance question, but that McLean was on the whisky and beer side. I think that Mr. Bowman told me that the liquor men had taken special action in favor of Mr. McLean.

Q. Did he tell you that he had attended a gathering of the liquor dealers for the purpose of securing their indorsement?—A. I can't remember; my recollection is not very clear, but I don't think that he did.

Q. Did he tell you that they had indorsed Mr. McLean?—A. I don't remember. I merely understood generally that Mr. Bowman was on the temperance side, and I know that he had taken an active part in the Anti-Saloon League—chairman, I think; and that is the only time I ever saw him, but I understood

that he was practically a temperance candidate and Mr. McLean practically a whisky candidate.

Recross-examination by Judge WHEATON:

Q. If somebody had sent you copies of these papers or had written you or had come to you and said to you what Mr. Lenahan has said to you, what you would have done is to ask Mr. Bowman whether he stood for that?—A. Certainly.

Q. And if Bowman told you, "No; I don't stand for that sort of a thing;" you would have done just what you did do?—A. Very probably.

Q. In other words, what you did do, or what you would have done or should have done would not have done, would be determined not by newspaper talk or rumor, but upon direct inquiry? You would have said, I understand thus and so, and I want you to tell me about it?—A. Yes; I understood Mr. Bowman to be a Christian and an upright man, and I would have taken his word.

Redirect examination by Mr. LENAHAN:

Q. Suppose you had known that the paper that had made the announcement was in the pay and service of Mr. Bowman, would you have accepted his word in denial of the declarations in this organ of his?—A. Certainly, I would not. If I knew it was an inspired article, I say it right here, I understood that Mr. Bowman was a Christian man and an upright man and his word would have been very weighty with me.

Recross-examination by Judge WHEATON:

Q. The way that Mr. Lenahan puts the questions you are bound to answer that way. If you knew that was Mr. Bowman's language in the paper you would not have indorsed him or would not have taken his word?—A. No.

Q. But suppose you had known that in the ordinary course of his campaign, pursuing his custom in the disseminating of information throughout this region, that he had generally paid the newspapers, which is perfectly legitimate and proper under the act, and suppose that you had known that—you had known that he had contributed to the Nanticoke News as much as \$25 or \$93 for advertising purposes, specifically, would you have taken the sayso of the Nanticoke News against his word to you?—A. Well, I don't know. As I say, I certainly would have inquired of Mr. Bowman very closely as to what information he had about it, or what connection he had with it.

Q. Now, suppose you did inquire, and Mr. Bowman said to you, "Mr. Ricketts, for the purpose of advertising, I paid the Nanticoke News and other newspapers of this region sunus of money. I gave the Nanticoke News, altogether, \$93. They saw fit to insert this thing without consulting me." Would you have believed him?—A. Certainly.

Redirect examination by Mr. LENAHAN:

Q. I will now call your attention to the returns made by Mr. Bowman as to the periods and months in which he made the payments to the Nanticoke News. For the months of August, September, October, and November, \$78. If the News, both before and after he had seen you, repeated and reiterated the assertion that he was not unfriendly to the liquor dealers, but on the contrary was friendly to them, and there was no repudiation on his part of that allegation in his organ, the Nanticoke News, would you have taken his work then?—A. As I was going to say, I would have asked why he didn't repudiate this and why he allowed it.

Q. I will give you the facts as they are. Before he came to you the Nanticoke News announced that he was not unfriendly to the liquor interests, but on the contrary was friendly to them. After he came to you, in other editions of the Nanticoke News, the Nanticoke News repeated the same assertion, but he, on the contrary, approved of the assertions by paying them, after his election, for this, among other announcements made in his behalf. With these facts before you, would you to-day, with those facts in dispute, would you indorse him in the Prohibition party, also bearing in mind that Mr. Bowman never repudiated those assertions?—A. I think not.

Q. And I show you his return filed here, wherein is paid the Nanticoke News for advocating his cause, among other things, by declaring that he was friendly to the liquor interests, beginning August, September, October, and November, 780 lines, \$78. With that before you, undisputed as it is here, would you, as one of the representatives of the Prohibition Party, have indorsed the man that paid that paper for making that announcement for him?—A. No. Except in

the case of Salsburg, the first year, I would say I wanted to get rid of that nomination. I asked Mr. Salsburg no questions, but I always asked every man the question as to whether or not he was a thorough temperance man, one that the Prohibitionists could support.

Recross-examination by Judge WHEATON:

Q. You knew that Mr. Bowman was?—A. I thought so.

Q. That was his reputation around this region for years and years?—A. Yes, sir.

Q. And if Mr. Bowman paid them, not for those assertions, but paid them for straight advertising and not for this at all, would you still think he inspired that? Wouldn't you think that was overzeal on the part of the newspaper instead of an inspiration on his part?—A. I would not answer that. I would think it would be Mr. Bowman's duty to repudiate that at once.

Q. But if he had known of it?—A. He certainly must have known of it, if he was getting this paper.

Q. I don't say that he was getting this paper. This was one of a score of papers.—A. Don't you think that Mr. Bowman got that paper?

Q. I know he would not. When I was county chairman I paid money to practically every newspaper in the county of Luzerne, and I had nothing to do with checking them up, and I didn't know what they put in; that is, outside of the Record or the Times-Leader, the ones I took.—A. Don't you think that every candidate who paid a newspaper to support him would see that the paper reached him?

Q. No; I think his chairman might, but I don't think he would. I think you are making a very rash statement when you say that Mr. Bowman saw them. I want to know if you had authority to do what you did in the matter?—A. No more than what I have mentioned.

Q. Did he ask you, did Mr. Bowman ask you, whether or not you had that authority and whether you didn't say you had authority to do it?—A. No, sir; I don't remember any question as to that.

Q. Were you not asked by Mr. Davis whether, as chairman of the Prohibition Party, you had authority to fill this vacancy, and did you not say that you and Mr. Argust had that authority and that you had done it before?—A. I don't recall that conversation that they had been doing it before.

AGIB RICKETTS.

FRANK ARGUST, called on behalf of contestant and sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

Q. Mr. Argust, you live in the city of Wilkes-Barre?—A. Yes, sir.

Q. You are engaged in business here—the shoe business?—A. Yes, sir.

Q. And have been for how many years?—A. Twenty-five years.

Q. How old a man are you?—A. I am 46 years of age.

Q. Were you present at the convention of delegates at Fernbrook Park on the 20th day of September, 1906, of which Mr. Ricketts speaks about?—A. Yes, sir.

Q. Who were elected officers at that time?—A. Well, now, I can't remember; I don't remember.

Q. You were elected secretary?—A. I was elected secretary.

Q. Do you remember who was elected treasurer?—A. No; I am not sure of that, but the best of my knowledge I believe it was Mr. Bertels.

Q. Do you remember if Mr. Ricketts was elected chairman?—A. Yes, sir; he was elected chairman.

Q. At that time, Mr. Argust, was there not a resolution passed unanimously by the delegates that from that time on the Prohibition Party of Luzerne would not endorse the candidates of other parties?—A. I believe there was; I believe I was instrumental in having that resolution introduced and adopted. I don't think there is any question about that.

Q. Whether or not you have any rules, or have had any since 1906, governing your party in the county of Luzerne?—A. I don't know of any.

Q. Have you had any convention of delegates since 1906?—A. No, sir.

Q. Isn't it a fact, Mr. Argust, that those officers who were elected that year were elected merely as a campaign committee for that year—the chairman and the secretary and the treasurer?—A. I couldn't answer that. We were

elected in the regular way, and the candidates nominated, etc. Probably I don't get your meaning.

Q. What I mean is, that after the convention was over—at that time you nominated candidates for different county offices, didn't you?—A. Yes, sir.

Q. Were not you gentlemen elected for the purpose of carrying on that campaign?—A. Yes, sir.

Q. Being the executive committee to carry the campaign on?—A. Yes.

Q. Have you and Mr. Bertels and Mr. Ricketts met as an executive committee in a body since 1906?—A. Yes, sir; we used to meet occasionally different campaign years at Mr. Ricketts's office.

Q. When was the last meeting that you had?—A. Let us see.

Q. You didn't meet in 1910?—A. No, sir.

Q. Did you three gentlemen meet in 1909?—A. I tell you the last meeting that we had was when we indorsed Kelser and Salsburg and the whole Republican Party with the exception of Jim Norris.

Q. That was in 1907?—A. As near as I can remember. I think that was the last meeting we had.

Q. That was the last meeting you three gentlemen had?—A. I think so; yes, sir.

Cross-examination by Judge WHEATON:

Q. You were elected to office in 1906?—A. Yes, sir.

Q. And while you were elected in view of the opening campaign, you continued in office since?—A. Yes, sir.

Q. And Mr. Ricketts has been in office ever since as president and Mr. Bertels has continued as treasurer, and whenever you had occasion to act as officers, you three have acted in behalf of the party down to the present time?—A. Yes, sir.

Q. You have occasion to act a good many times?—A. Yes, sir.

Q. And in getting together you have had occasion to pass on parties who had succeeded in getting on your ticket and having them stricken off?—A. Yes, sir.

Q. And you at other times met to consider the advisability of putting parties on your ticket. For instance, last year, in the Williams and Salsburg fight, both wanted to get on, did they not?—A. Yes, sir.

Q. And you and Mr. Ricketts and Mr. Bertels met to prevent either one from getting on?—A. Yes, sir.

Q. When Gen. Palmer run for Congress, you three men put him on?—A. I think Mr. Ricketts was the first candidate.

Q. But he got off the ticket so that Mr. Palmer could get on?—A. He got out of the way.

Q. In other words, he made way for Mr. Palmer?—A. Yes, sir.

Q. And he did run as a Prohibitionist as well as the Republican candidate by reason of your action?—A. Yes, sir.

Q. So that every official action of the Prohibition Party from 1906 has been done by you three officers—Mr. Ricketts as chairman, Mr. Bertels as treasurer, and you as secretary?—A. Yes, sir.

Q. And Mr. Palmer has been put on the ticket—the Prohibition ticket—by you officers, you three officers?—A. My mind is not clear about that.

Q. He has surely been once—you remember that, don't you—when Mr. Ricketts got out of the way?—A. Yes, sir; I remember that.

Q. And now what you did in the case of Mr. Palmer was what you did in the case of Mr. Bowman?—A. No, sir.

Q. Why, what was the difference?—A. Well, Mr. Reynolds and Mr. Bowman came to see me, and Mr. Reynolds talked about the good qualities of Mr. Bowman, and he said that Mr. Robinson had the nomination in the first place and resigned in favor of Mr. Bowman, and I resented the idea. I always having been opposed to endorsements. I have always taken the stand that if we did not have timber in our own party, then, in that case, to leave it vacant, and on that account I resented it; but they were in a hurry, they wanted it done right away, and I told them that I didn't have the time, and we got into a little argument, and then I insisted that I must see the other members of the committee before I did anything at all.

Q. That is, Mr. Ricketts and Mr. Bertels?—A. Yes; and Mr. Ricketts was sick, of course, and I was very busy with several other things besides my regular business to take up my time, and the matter was not given the attention that should have been given, and I called Mr. Bertels up by phone and asked him if it was his pleasure, and if he wanted it that way, and that I

had no particular choice and didn't care how it went, and he said, "Yes; he is a good fellow, I guess we better indorse him," and I said all right, and I think that it was the next day, but I don't remember now who presented the paper, but somebody presented a paper the next day, and I signed it.

Q. You don't appear to understand my question, Mr. Argust. When you came to signing up the paper, you signed some kind of a paper for Mr. Bowman, you three officers did; that is, you signed the same kind of a paper that you signed for Mr. Palmer when he became a candidate in Mr. Ricketts's place?—A. I couldn't tell you what I signed for Mr. Bowman, but the paper looked all right.

Q. It was understood that he was legally and regularly put on your ticket?—A. Yes, sir.

Q. And you thought that you three men—you, Mr. Ricketts, and Mr. Bertels—had the power and authority to put him on that ticket if you saw fit?—A. Yes.

Q. And you saw fit to do it and you did it?—A. Yes, sir.

Q. And Mr. Ricketts also signed, didn't he?—A. I don't know about that; I didn't see his signature.

Q. Did you sign before Mr. Ricketts?—A. I couldn't tell you that.

Q. You knew that the paper would be of no value unless it was signed by both of you?—A. I didn't stop to look at it in that way; it was done before.

Q. You had done it before and often since 1906?—A. I don't know how often, but we have done it before.

Redirect examination by Mr. LENAHAN:

Q. Had you and your colleagues met in deliberation over this indorsement of Mr. Bowman?—A. No, sir.

Q. Had you consulted Mr. Ricketts about this?—A. Not a word.

Q. You never had a word with him?—A. No, sir.

Q. And the only steps that you took was to ask Mr. Bertels over the phone if Bowman was satisfactory to him?—A. Yes, sir; that is true.

Q. And he said, yes, Bowman is a good fellow, I approve of him?—A. Yes; he said he was a good man for our ticket.

Q. And didn't you understand that unless three of you—you and Mr. Ricketts and Mr. Bertels—had signed that paper, that the paper would not be a valid paper?—A. I would ordinarily understand that, but I didn't stop to think of it in that way.

Q. When you signed that paper it was with the understanding that your other colleagues should sign the paper also?—A. Yes, sir.

FRANK ARGUST.

(Adjourned until February 22, 1911, at 1 p. m.)

WEDNESDAY, FEBRUARY 22, 1911—1 P. M.

Hearing reconvened, pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., A. C. Campbell, Esq., John E. Jenkins, Esq., contestant's counsel; Arthur L. Turner, Esq., commissioner for contestant; C. C. Bowman, contestee, in person; Hon. F. W. Wheaton, Evan C. Jones, Esq., counsel for contestee; John A. Opp, Esq., commissioner for contestee.

MR. C. C. BOWMAN, contestee, called and sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Mr. Bowman, you are the contestee in these proceedings?—A. Yes, sir.

Q. How old a man are you?—A. I am 58 years of age.

Q. Where is your residence?—A. Pittston, Luzerne County.

Q. In the eleventh congressional district of Luzerne County, Pa.?—A. Yes, sir.

Q. How long have you lived in Pittston?—A. Thirty-five years and upward.

Q. Where did you live before coming to Pittston?—A. Near Boston, Mass.

Q. What business did you first go into when you first came to Pittston?—

A. I had charge of the retail business and the shipping business of the Pennsylvania Coal Co., the shipments westward.

Q. Where?—A. At Pittston.

Q. How long did you remain in that position with them?—A. About eight years.

Q. What business did you go into then?—A. I was superintendent for and one of the owners of the C. P. Mathers—mining coal, near what is known as Dupont—that is, C. P. Mathers & Co.

Q. How many years did you mine coal there?—A. One or two.

Q. Did you cease operations there at the end of a year or two?—A. No; I made a contract with them to sell their coal, and sold their coal for some time.

Q. Then you were a part owner of the operations of the coal, and had in addition a contract to sell their coal?—A. No; I sold my interest and took a contract to sell their coal.

Q. That is what I asked you if you ceased operations?—A. I understood you to ask if the colliery ceased operation?

Q. When did you cease operations?—A. I sold my interest in the colliery in about a year and made a contract to sell their coal; that is, portions of the coal.

Q. Did you dissolve your relations with them as one of the operators?—A. Yes, sir.

Q. How long did that contract continue?—A. About a year.

Q. What business did you go into then?—A. I entered the employ of Whitney & Kemmerer and sold coal for them in this vicinity. I had charge of their sales interest.

Q. What business did you go into then?—A. I made a contract with the Avoca Coal Co. selling their coal.

Q. Did you have any interest in the Avoca Coal Co.?—A. A short time after I purchased an interest.

Q. As one of the operators?—A. As one of the owners.

Q. Then where did you proceed with other operations as a coal operator?—A. The next interest I purchased was an interest in the Raub Coal Co. at Luzerne.

Q. You continued in the operating business as well as other business up to what time?—A. Up to the present time.

Q. You are still a coal operator, are you not?—A. My principal business is selling coal.

Q. You are still a coal operator?—A. I am interested in the stocks in coal companies.

Q. Mr. Bowman, I wish you would go on now and give us the banks that you have been depositing in since 1910—January, 1910?—A. As an individual?

Q. First as an individual; yes?—A. The First National Bank of Pittston as an individual is the only bank that I deposit in.

Q. That is the only bank as an individual you have an account in the country since 1910?—A. Yes, sir.

Q. That is the only bank?—A. Yes, sir; that is the only bank as an individual.

Q. Please now go on and give us the other banks you have accounts in in a representative capacity?—A. I have an account in the Miners' Bank of Pittston, as executor of the estate of Adam Hardner. I have an account in the First National Bank as treasurer of the Franklin Coal Co.

Q. Is that the First National Bank of Pittston?—A. Yes, sir; I don't recollect any other account that I have.

Q. Are there any other banks that you have moneys in either as an individual or in a representative capacity other than those which you have designated now?—A. Not that I recall.

Q. Are there any other banks against which you can draw checks the funds being in the name of corporation or corporations?—A. No, sir.

Q. Or any corporation that you are interested in?—A. No, sir.

Q. Then there are no banks whatever, that, during the year 1910, any check of yours would be honored either as an individual or in a representative capacity, excepting in those three banks that you have mentioned: Is that right?—A. No; I have no account. You want full information. I have borrowed money at several other banks and put in a note and possibly taken a check and deposited it in my own bank. I have no account with them. I want to give you full information.

Q. Just please answer the question now. It is not what you want. It is what I want.—A. I wanted to give you full information.

Q. I know. But if I want that I'll ask you for that.

Q. Mr. Bowman, you have been requested to bring with you the books of deposits in banks and check books on all banks in which you have done business from April 1, 1910, to February 13, 1911. Have you those books with you to cover that period of time?—A. I have the check book that covers the period—

I am not sure about it, I will have to look and see [looking at books]. This bank book runs from October 15, 1908, the first bank book to October 11, 1910. I have the next bank book which runs from—succeeding that—from November 19 to February 20, and the check book runs from August 30, 1910, to 30th February, 1911.

Q. Where is your check book preceding August, 1910?—A. That I brought down.

Judge WHEATON. In order that you may understand our position with reference to that: The act of Congress confines the testimony in this hearing. I will read the act, so as to get it exactly, as follows:

"SEC. 121. The testimony to be taken by either party in the contest shall be confined to the proof or disproof of the facts alleged or contended in the notice and answer and mentioned in sections 105 and 106."

When that subpoena was shown to counsel for Mr. Bowman, or a similar subpoena, I have never seen his subpoena, I advised him that he was not bound to produce here any papers under that subpoena that did not bear upon the testimony as defined by the act of Congress. If you will for the present pass that until we have a chance to consult with Mr. Jones about it, I will let you know afterwards whether we will produce it or not.

Mr. LENAHAN. Why doesn't it cover it?

Judge WHEATON. It doesn't. We will produce every check defined by the act of Congress and answer if we can.

Mr. LENAHAN. But there was a canvass going for two or three months.

Judge WHEATON. We will let you go into that fully, if you will pass that for the present. I will let you know how far back we will go. We are perfectly willing to go back and cover fully all the questions involved in this contest, but I might say, too, that check book does not cover it. There was no check paid out on account of this election in any way, shape, or form until a later period, which is August 30, 1910.

(Copy of statement of expenses, as filed, in pursuance of the act of assembly, by witness, shown to witness.)

Q. You have filed here after the election, having filed it on the 3d December, 1910, a statement of your expenses as required by the act of assembly, which I now show you. That shows expenditures of \$7,194.40. Is that right?—A. Yes, sir.

Q. And the statement shows further that no money was paid to anyone except Jonathan R. Davis, chairman. The statement as filed by you?—A. Yes, sir.

Q. And you have further set forth in this statement that those moneys were paid to Jonathan R. Davis between October 1 and November 7, 1910, have you not?—A. I can't say as to that. Mr. Davis—Jonathan R. Davis—furnished me information.

Q. Just answer the question now.—A. I say yes. Jonathan R. Davis furnished me the information upon which that was based.

Q. Will you please turn—how did you pay that money to him?—A. I paid it by checks.

Q. Will you please turn to the checks themselves?—A. Yes, sir.

Q. When was the first one paid?—A. The first one I paid October 3, \$2,000. [Witness reading from checks.] That is the date of the check.

Q. Let me see it [check handed to counsel], October 3, \$2,000.—A. October 29, \$3,000 [check handed to counsel by witness]; November 18, \$512.40; November 7, \$1,500 [check handed to counsel by witness].

(The first check identified by witness, offered in evidence, and reads as follows:)

No. 16076.

PITTSTON, PA., October 3, 1910.

THE FIRST NATIONAL BANK:

Pay to the order of Jonathan R. Davis, \$2,000.

C. C. BOWMAN.

On the margin the following printed matter: "C. C. Bowman, miner, coal shipper."

Indorsed: Jonathan R. Davis.

Pay to the order of any bank, banker, or trust company. Prior indorsements guaranteed. Wilkes-Barre Deposit and Savings Bank, Wilkes-Barre, Pa., J. C. Bell.

Stamped, "Miners Savings Bank, October 5, 1910, Pittston, Pa."

(The second check identified by witness offered in evidence, reads as follows:)
No. 16135. PITTSSTON, PA., October 29, 1910.

THE FIRST NATIONAL BANK:

Pay to the order of Jonathan R. Davis, \$3,000.

C. C. BOWMAN.

On the margin the following printed matter: "C. C. Bowman, miner, coal shipper."

Indorsed: Jonathan R. Davis, chairman.

Pay to the order of any bank, banker, or trust company. Prior endorsements guaranteed. Wilkes-Barre Deposit and Savings Bank, Wilkes-Barre, Pa., J. C. Bell, cashier.

Miners Savings Bank, November 2, 1910, Pittston, Pa.

(The third check identified by witness, offered in evidence, and reads as follows:)

No. 16150.

PITTSSTON, PA., November 7, 1910.

THE FIRST NATIONAL BANK:

Pay to the order of Jonathan R. Davis, fifteen hundred dollars.

C. C. BOWMAN.

On the margin the following printed matter: "C. C. Bowman, miner, coal shipper."

Indorsed: Jonathan R. Davis, Jonathan R. Davis, chairman.

Miners Savings Bank, November 19, 1910, Pittston, Pa.

Pay to the order of any bank, banker, or trust company. Prior endorsements guaranteed. Wilkes-Barre Deposit and Savings Bank, Wilkes-Barre, Pa., J. C. Bell, cashier.

(The fourth check, identified by witness, offered in evidence, and reads as follows:)

No. 16184.

PITTSSTON, PA., November 18, 1910.

THE FIRST NATIONAL BANK:

Pay to the order of Jonathan R. Davis, \$512.40.

C. C. BOWMAN.

On the margin the following printed matter: "C. C. Bowman, miner, coal shipper."

Indorsed: Jonathan R. Davis, Jonathan R. Davis, chairman.

Pay to the order of any bank, banker, or trust company. Prior endorsements guaranteed. Wilkes-Barre Deposit and Savings Bank, Wilkes-Barre, Pa., J. C. Bell, cashier.

Miners Savings Bank, November 25, 1910, Pittston, Pa.

Q. Mr. Bowman, did you make any payments by check to Jonathan R. Davis—any other payments?—A. I did not; that is, for election expenses.

Q. For anything?—A. Yes, sir.

Q. When?—A. On November 14 I gave him a check.

Q. For how much?—A. \$700.

Q. Did you ever give him any other checks?—A. No, sir.

Q. You never gave him any cash?—A. No, sir.

Q. Did you authorize any one to give him any cash?—A. No, sir.

Q. Where is that check for \$700 that you gave him?—A. Here. [Witness produced check.]

Q. What was that check given for?—A. That was given for a taxicab.

Q. Did he hire taxicabs to you?—A. No; he bought a taxicab.

Q. He bought a taxicab and sold it to you; is that it?—A. Yes, sir.

Q. When did he buy that taxicab?—A. I don't know that.

Q. When did he sell the taxicab to you?—A. He sold it to me when I gave him the check.

Q. Was that on the 14th of November?—A. The 14th of November; yes, sir.

Q. Have you that taxicab now?—A. I have.

Q. When did you first negotiate with him for that taxicab?—A. When I gave him that check, or a little before.

Q. Was it before the day that you gave him the check?—A. It was a day or two before.

Q. Where was it you negotiated for that taxicab?—A. In his office.

Q. What did he ask for that taxicab at that time?—A. \$700.

Q. Then you put on here [indicating check book] before or after, or had it put there by some one, put on the book here, on this check book, either before or after the erasures took place, "For duty"?—A. No; I did not.

Q. Some one put it on?—A. That is true.

Q. Was it your girl that put it on?—A. She did, I think; it is in her hand writing.

Q. Will you tell me, here in this check book on the stub, any other political obligation that you thought you owed and which you paid off, was marked for "duty"?—A. Do you want me to look these checks all through?

Q. Yes; political obligations that you considered that you owed.—A. I don't recall that I ever gave any present in connection with the political campaign, no present or promise.

Q. You say, no?—A. I say, no.

Q. There is no other political obligation that you assumed that you owed outside of this that is marked on the stub for "duty"?—A. No; not that I recollect, but there may be.

Q. So there can be no question, look it all over again.—A. Well, you looked it over again?

Q. But you are leaving a loophole open you see. Look it over carefully. I can swear to it myself, positively.—A. I don't see this check book from one year's end to the other. [Witness examines check book.] You make me look over this check book more than I ever looked it over in my life.

Q. When a man pays off political debts and marks it "duty"—A. There was no obligation. I assumed it myself; I made him no promise of any kind or character. It was simply a present, and I would be glad to give you the same if you did as much for me as he did, and more than that. Here is one

Q. Check shown witness, who is asked if that is for a taxicab, too?—A. Let me look at the stub.

Q. Wait a moment. Before looking at the stub I ask you what that was given for? Can you answer without looking at the stub?—A. No, sir.

Q. Then look at the stub and see what the stub says.—A. (Witness refers to check book.) "Check No. 16270, dated December 19, 1910. Order of Jonathan R. Davis, for expenses political campaign, \$132.10." I now recall what it was for.

Q. Tell us what it was for?—A. John D. told me there were a few small bills, and one of them was for dinner at Redington's hotel, and for a few other small items that had been overlooked in his campaign as chairman of the Republican county committee; and he said he didn't know where he was going to get the money to pay them, and I told him that I didn't want to leave him in debt, and I gave him my check.

Q. Give us the items.—A. I can't.

Q. Did he fix it in a round sum what it was?—A. No, sir; he showed me several bills.

Mr. LENAHAN (to Mr. Davis). Mr. Davis, have you got those bills with you?

Mr. DAVIS. No, sir; I have not got them with me.

Mr. LENAHAN. But you were subpoenaed, Mr. Davis, to bring them with you? Have you got those papers with you?—A. No; that check was for—I have the receipts.

Q. (Continuing, to Mr. Bowman.) Mr. Bowman, can you now give us the items that went to make up this \$132?—A. I only recall one item. I recall distinctly certain bills coming in. Mr. Davis told me that certain bills had come in that he didn't know anything about, and one, he said, was for a dinner at Redington's hotel, and there were a few other small items that I didn't know anything about. There was a bill for newspaper advertising, and the total came to that amount. I told him that, as chairman of the county committee, I didn't want to see him in debt for that small amount, and I sent him a check.

Q. How much was that indebtedness at Mr. Redington's?—A. I don't know.

Q. Weren't you at Redington's?—A. I was.

Q. Mr. Bowman, I show you a check made out January 4, 1911, for \$50, payable to C. C. Bowman. That is yourself, isn't it?—A. Yes, sir.

Q. For E. T. Giering. What was that for?—A. That was a present to Mr. Giering.

Q. Was it for nothing else?—A. Nothing else.

Q. That was a present to Mr. Giering?—A. Yes, sir.

Q. What did you give him a present for?—A. Why, because he conferred favors on me.

(The second check identified by witness offered in evidence, reads as follows:) No. 16135.

THE FIRST NATIONAL BANK:

Pay to the order of Jonathan R. Davis, \$3,000.

C. C. BOWMAN.

On the margin the following printed matter: "C. C. Bowman, miner, coal shipper."

Indorsed: Jonathan R. Davis, chairman.

Pay to the order of any bank, banker, or trust company. Prior indorsements guaranteed. Wilkes-Barre Deposit and Savings Bank, Wilkes-Barre, Pa., J. C. Bell, cashier.

Miners Savings Bank, November 2, 1910, Pittston, Pa.

(The third check identified by witness, offered in evidence, and reads as follows:)

No. 16150.

PITTSTON, PA., November 7, 1910.

THE FIRST NATIONAL BANK:

Pay to the order of Jonathan R. Davis, fifteen hundred dollars.

C. C. BOWMAN.

On the margin the following printed matter: "C. C. Bowman, miner, coal shipper."

Indorsed: Jonathan R. Davis, Jonathan R. Davis, chairman.

Miners Savings Bank, November 19, 1910, Pittston, Pa.

Pay to the order of any bank, banker, or trust company. Prior indorsements guaranteed. Wilkes-Barre Deposit and Savings Bank, Wilkes-Barre, Pa., J. C. Bell, cashier. Have you any other checks given by you to Jonathan R. Davis during this period of time?—A. No, sir.

Q. Will you please hand us the checks that you were requested to produce that you have now before you for examination?

(Witness hands counsel papers.)

Q. Your check book, I understand, begins in August 30?—A. August 30.

Q. You have testified this \$700 check was given to Jonathan R. Davis, given in payment for a taxicab that you purchased from him?—A. Yes, sir.

Q. That you will swear positively to?—A. Yes; the 14th day of November, you will find it.

Q. Mr. Bowman, I ask you to look at the stub of your own check book and read what is written there in your own handwriting.—A. I can't read it. It is not my own writing. I can't read it.

Q. Whose handwriting is it?—A. The handwriting of my bookkeeper.

Q. When did she make that entry?—A. I don't know.

Q. You know that she made it when she made the check out, don't you?—A. I do not.

Q. This is the check to which this is a stub, and it is signed by you, is it not?—A. Yes, sir.

Q. That check was signed by you at the time it was made out?—A. I suppose; I don't know; I suppose it was.

Q. The handwriting of the check outside of your signature is the writing of your cashier?—A. Yes, sir.

Q. What is her name or his name?—A. Nina J. Robinson.

Q. Will you read what the entry is in her handwriting there, on the stub of that check?—A. (Reading:) "Check No. 16170. November 14, 1910. Order of Jonathan R. Davis for taxicab for political campaign, \$700."

Q. You say that you purchased this taxicab after election?—A. Yes, sir.

Q. Did you tell her what this check was for?—A. Not directly.

Q. How did she know what entry to make?—A. I told her to draw a check for \$700 to Jonathan R. Davis.

Q. Was it then she made the entry on the stub?—A. I don't know. She certainly couldn't have made it—made the entry—for the taxicab if she did not know.

Q. Did she make the entry at that time? I am not asking you for any process of reasoning. Did she make it; did she make the entry at that time?—A. Which entry?

Q. The entry on the stub.—A. I suppose she did.

Q. Was it the day that the check was drawn?—A. I don't know.

Q. Were you there the day that the check was drawn?—A. Not in the room where she was. I was in another room of my own.

Q. Then you put on here [indicating check book] before or after, or had it put there by some one, put on the book here, on this check book, either before or after the erasures took place, "For duty"?—A. No; I did not.

Q. Some one put it on?—A. That is true.

Q. Was it your girl that put it on?—A. She did, I think; it is in her hand writing.

Q. Will you tell me, here in this check book on the stub, any other political obligation that you thought you owed and which you paid off, was marked for "duty"?—A. Do you want me to look these checks all through?

Q. Yes; political obligations that you considered that you owed.—A. I don't recall that I ever gave any present in connection with the political campaign, no present or promise.

Q. You say, no?—A. I say, no.

Q. There is no other political obligation that you assumed that you owed outside of this that is marked on the stub for "duty"?—A. No; not that I recollect, but there may be.

Q. So there can be no question, look it all over again.—A. Well, you looked it over again?

Q. But you are leaving a loophole open you see. Look it over carefully. I can swear to it myself, positively.—A. I don't see this check book from one year's end to the other. [Witness examines check book.] You make me look over this check book more than I ever looked it over in my life.

Q. When a man pays off political debts and marks it "duty"—A. There was no obligation. I assumed it myself; I made him no promise of any kind or character. It was simply a present, and I would be glad to give you the same if you did as much for me as he did, and more than that. Here is one you may think is political. On October 15 I bought four tickets for the Nanticoke policemen's ball. I suppose—

Q. Was that for political purposes?—A. No; I don't think it was.

Q. What did you call it?—A. I called it "duty."

Q. Where did you buy those tickets?—A. They wrote me a letter, and they said they would consider it a favor if I would take the tickets, and I sent them a check.

Q. How far was that from the city of Pittston?—A. Twelve or fifteen miles.

Q. Did they ever ask you for money before?—A. No, sir.

Q. And it was only at this time because you were a candidate for Congress?—A. I won't say that, but I never sent them money before.

Q. I am asking what you recollect. Did you ever send them money before, or had they ever asked you for money before?—A. I don't recollect that the Nanticoke policemen did.

Q. You marked that for "duty"?—A. No; the girl did. She probably asked me and I told her.

Q. You will find a few more of those "duty" calls there, too, but we have been thinking they were politics.—A. Well, I guess they won't amount to much altogether.

Q. Go on.—A. Here is one, October 20, the Hanover Hose Co., subscription, \$2.50.

Q. Was that after you sent the—A. That is my recollection, that those were tickets sent by mail.

Q. Had they ever asked you for a subscription before that?—A. I don't think that Hose Co., the Hanover Hose Co., ever did.

Q. Had you ever sent them money or subscribed to them previous to this?—A. No; I don't think that I ever did. But I sent a great many tickets like that both before and after election, and I hope to be able to send a great many more. That is all I did.

Q. Mr. Bowman, after this contest was inaugurated against you, you filed some receipts for other moneys you had paid out, did you not?—A. Not since the contest, that I know of.

Q. Nor did you authorize anyone to file receipts?—A. Not that I know of. Not since this contest was started.

Q. I mean since the notice of the contest was served upon you?—A. Not that I know of.

Q. Didn't you pay a man by the name of William Hollister \$50?—A. I sent him a check the night before election.

Q. You sent him a check the night before election?—A. Yes, sir.

Q. Did you account for that in your statement?—A. Yes, sir; and I will explain.

Q. Turn to your statement.—A. I will say, yes, and explain.

Q. I show you a copy of your statement—you recognize that as a copy of your statement—and ask you where it is there on that statement?—A. That item there, and one for—

Q. I didn't ask you that. I ask you to point out to me where that item is in your statement?—A. Let me explain. That is included in that amount.

Q. Do you mean that it is included in the \$7,184.40?—A. No, sir; it is included in the account of Jonathan R. Davis.

Q. I am not asking you that at all. I am asking you about this \$50 that was paid to William Hollister.—A. It is not there.

Q. You paid that \$50?—A. Yes, sir.

Q. And the night before election you paid \$50 to William Hollister?—A. Yes, sir; in a check.

Q. Your own check?—A. Yes, sir.

Q. Do you account for it there?—A. I am not sure about that, but Mr. Jonathan R. Davis, in his—

Q. I am not asking you about Jonathan R. Davis?—A. I am going to explain it now.

Q. Do you now desire to say, do you, that Jonathan R. Davis accounted for that \$50 in his statement he filed?—A. Yes; yes, sir.

Q. In the statement that he filed previous to the inauguration of this contest?—A. Yes; there was an item—there was an item of \$50 to Mr. Hollister, and there was one of \$26 to—

Q. One moment. I am not asking about that.—A. There was that and some other small items, and I asked Jonathan what to do with that, and he said he would—he said "turn that all over to me and I will put it in my account."

Q. That is when he filed his account?—A. The day he filed his account.

Q. He included that in his account?—A. Yes, sir; we went through my office, every penny was turned in that day, and turned in to him.

Q. I show you a copy of Mr. Davis's account, and ask you to pick out in that account where he accounts for that \$50, together with some other items?—A. (Referring to paper.) He has it under certain headings that I—

Q. Point out there where it is.—A. I can not, because he has it under certain headings, and doubtless the amount I turned in to him—Mr. Hollister—and the other items referred to were in these headings for the dissemination of information and for special watchers—I think the most of it is in the heading "Special watchers," and some is in advertising.

Q. Has Jonathan R. Davis charged himself with having received from you more than \$7,194.40?—A. No, sir; he told me that he had turned in the receipts.

Q. He turned in receipts for the moneys in his account which he had not paid out himself?—A. Which he had paid out for my account.

Q. Didn't you pay this to Mr. Hollister?—A. Yes; and he told me there was no use in making a separate account.

Q. He didn't pay this money to Hollister; you paid it?—A. Yes, sir; I paid it out by check.

Q. And notwithstanding the fact that you paid the money and he had nothing to do with the payment of it, he charged it to himself in the account here, did he not?—A. Yes, sir; the total was about \$180.

Q. I am not asking you this, and I object to the regularity of this. I am not asking you about that. I am asking you about that item and no other item. I am asking you about this specific item.

Judge WHEATON. Let him explain. You go ahead, Mr. Bowman, and explain.

Mr. LENAHAN. We object and ask for a ruling at this time. No; you won't explain, you answer my question, and if you refuse to answer my question, all right. I now ask you with reference to the \$26 that you paid a man by the name of Jennings. Did you pay that?—A. Yes; and that was included in the \$180 that Jonathan Davis said he would put in his return.

Q. Did you pay that money?—A. I gave him a check.

Q. Did Jonathan Davis make that payment?—A. No; but he told me that he would account for it.

Q. Where? I want you to point out to me where in his account he accounts for \$26.—A. I think that it is for special watchers as per receipts attached. \$26. It is not itemized.

Q. How much was that?—A. \$26. It is not itemized, but the total is here.

Q. I ask you to pick out from that account where that is charged by Mr. Davis. Pick it out if you can.—A. I can not, because the total is given for special watchers.

Q. I know what the total is, but I am asking you can you pick it out.—A. No, sir.

Q. You can not?—A. But the receipts are up there to show for it—up there in the courthouse, so he assured me.

Q. Was there a payment made by you to the Pittston Gazette for \$58.35?—A. I will have to see the check book, John, because I don't recollect, but I think there was for advertising. I think there was several items in it, John. On November 19, check No. 16193, to the order of William J. Peck. There was a total of \$41.13 divided up into items. Twenty-eight cents advertising for girl, \$8.75 for 5,000 candidate's cards, \$0.50 for 500 postal cards, \$8.75 for 5,000 candidate cards. \$8.50 for three half-tones retouched, \$6.50 for 3,500 candidate cards, and \$1.85 for 1,000 candidate cards. This is totaled up in the margin.

Q. How much of that is for political purposes?—A. \$40.85 for advertising.

Q. Is that turned in? Did you turn that in?—A. Yes, sir.

Q. You turned it in?—A. Mr. Davis did.

Q. I show you the account of Mr. Davis and ask you to pick it out.—A. I can not do that in detail, because his item of advertising as a whole is \$1,235.80. You will remember that he was the county chairman, John. There were other candidates.

Q. And you say that is included in here, do you?—A. As I recall it; yes, sir.

Q. Are you sure about that?—A. It may have been overlooked, but I think it was turned in. I had nothing to do with the books, but I asked the bookkeeper for the items, and what she gave me I turned in to the county chairman—Mr. Davis—whatever the bookkeeper gave me. I told her to take it off the check book.

Q. Didn't you know that Mr. Davis was only accounting for the money in his hands; didn't you know that?—A. No; I didn't know that. I believed that he was accounting for everything in the campaign.

Q. Mr. Bowman, you are the Congressman-elect and I am asking you as a citizen of this State, with your knowledge of the law, didn't you know it was his duty to account for only the moneys that came into his hands?—A. I had no knowledge of a political campaign before this; I am not a lawyer.

Q. Haven't you made a canvass before?—A. No, sir.

Q. Haven't you run for council?—A. The people elected me.

Q. Didn't you run for mayor before the people?—A. No, sir.

Q. Didn't you run for mayor of the city of Pittston?—A. I was elected without any contest for mayor.

Q. And you ran for councilman before the people?—A. Yes, sir.

Q. And you were beaten in your own ward?—A. I was.

Q. You brought this out yourself. I didn't want to bring it out. And you ran for city treasurer?—A. I did.

Q. And you were beaten for that in your city?—A. Yes, sir.

Q. And you now say that you knew nothing of the election law?—A. I knew something—I did in a way, but not about filing the account.

Q. You didn't know that when a man filed an account or a statement all he had to account for was the moneys he received?—A. I never spent any money in a campaign before.

Q. Did you see this account of Mr. Davis's?—A. I don't think that I did.

Q. Don't this account set forth the moneys that he received?—A. Yes, sir.

Q. And don't it purport to set forth the moneys he paid out?—A. Yes, sir.

Q. Deducting from the moneys he received the moneys he paid out?—A. Yes, sir.

Q. Is there anything there indicating that any moneys were paid out by anyone else but himself?—A. No, sir.

Q. Then, when you say this account is included in there are you saying that it is a fact?—A. From information I received from Jonathan R. Davis; yes, sir.

Q. And that is the only way that you know?—A. That is the only way.

Q. Don't you know that—Mr. Bowman, you are a business man; you are a graduate of a college, don't you know as a man of business, that it would be impossible that with the amount of receipts claimed by him with the disbursements to include those items you refer to as being paid by you?—A. If he showed receipts for it it would be perfectly possible. I could charge him with it and he could account for it.

Q. But does he charge himself with it anywhere?—A. That is all in the statements, and in the aggregate he said he did.

Q. Did you charge him with it in any way?—A. If I am taxed it would—

Q. Does he charge himself with it anywhere there?—A. Yes, sir; in the aggregate.

Q. Either in the aggregate or in the items does he charge himself with having received this money you paid out?—A. Yes, sir; I believe he did.

Q. You say he believes he charges himself with this amount, with this money, in this account, with this money you paid out?—A. I believe he has.

Q. Will you pick out what items you think include where he charges himself?—A. He has accounted for it.

Q. That is not what I am asking you.—A. I can't pick it out among the receipts.

Q. Take his account as you find it, as he has filed it there, and pick out where he has charged himself with money that you say you paid out.—A. It was not money; it was bills paid.

Q. That is not disbursements. That's not what I am asking you. You are Congressman-elect, don't you understand the English language? I ask you there to pick out among these moneys he received, or which he says he received, from all parties the moneys amounting to something in the neighborhood of \$7,194.40 from you. Pick out among these moneys these moneys you paid out?—A. I think the amount added to my total. I think that it is added. Let me see what those checks foot up. [Examines checks.] It is not included; I don't know where he has it.

Judge WHEATON. Just take your checks and add them up.

A. He has got it here, or nearly all of it. He has \$172 there in addition to the checks.

Q. He has \$172 there?—A. Yes, sir; in addition to the checks.

Q. In addition to what checks?—A. To the checks that I gave him.

Q. Now, we will help you a little. Will you add in this check of \$132?—A. No; that was later.

Q. Will you now, will you please tell me; just tell me this—A. But that was after the account was filed.

Q. Do you say that this is all you paid him altogether, \$7,012.40?—A. Yes, sir; that is all I gave him excepting the checks of \$132.50 for after the account was filed.

Q. And you think in this \$132, as you make it, and in which you are wrong—I will take your figures, though, of \$172—you think in that is included these checks?—A. It is \$182.

Q. I will ask you the question: How much money did you pay to Jonathan R. Davis? I will put the question to you again. How much money did you pay to Jonathan R. Davis up to the time that you filed that account?—A. \$7,012.40.

Q. Then he made a false return, didn't he, when he returned that you had paid him \$7,194.40, didn't he?—A. No; I don't think that he did. He credited me with those bills that I turned into him.

Q. Just give us the bills that you turned into him.—A. I can't do it here. If you will look up the papers and bills filed.

Q. Wait until we get his account.—A. He made up the account. Naturally I had nothing to do with making it up. I don't see the occasion for splitting cents.

Judge WHEATON. We will bring you those bills.

Q. You swore to that account, didn't you?—A. Yes, sir.

Q. \$7,194.40?—A. Yes, sir.

Q. And you said that you paid the money to Jonathan R. Davis between October 1 and November 7?—A. I did.

Q. Will you please sit down here and show us how you paid to him, what items?—A. Yes, sir.

Q. Do so, please.—A. Check, October 3, \$2,000; check, October 29, \$3,000; check, November 7, \$1,500; check, 18th, \$512.40; and certain bills which I turned in to him and which he said he would add to his account, aggregating \$182; making a total, as shown by the report, which I certified to, of \$7,194.40.

Q. You haven't answered my question yet. I want you to give me the items making up that \$7,194.40? I want you to give it to me. You haven't done it yet?—A. I haven't got them here.

Q. I have seen those bills and they don't make it. Will you give me the items, as near as you can recollect, making that?—A. The items that I can

remember, the principal items, are Mr. Hollister of \$50 and Mr. Jennings of \$25. That makes it—

Q. Do you remember any others?—A. Let me have the check book. I may be able to find some of the others if they are in the checks. I think that most of the others were in bills—bills paid. I had one, though. I had one, though, I think, for auto hire; that is, if I can find it. Here is a team, on check No. 18098, on October 10, that should have been in there, \$17.50. It may be that the bookkeeper overlooked that. Isn't it a fair conclusion to assume that they overlooked an item? I have done that as a business man, if you did not as a lawyer.

Q. You are here to tell what you know.—A. I know; but you infer certain things, and I must infer others. That is only fair.

Judge WHEATON. We will produce the actual items if you will give us the items.—A. Give a man a fair chance, John.

Q. I can tell you when you put down 17 cents or 2 cents, and when I asked you—A. You know that you can't remember a lot of little items like that, or any mortal man can't remember that. What is the use of going on like that; give a man a fair chance. Now, for instance, here is an item on check No. 16136, tacking up 50 cards, \$2, that should have been in there.

Q. Was it in there?—A. I am not sure, and I couldn't tell you. It should be.

Q. I am not asking you what should have been, but I want to know if it was.—A. If you get me the bills, I will tell you, or give me an opportunity to get them. Let us be fair with one another at least. I want to be fair with you, and I want you to be fair with me. I will tell you everything that you want to know, but there is no use abusing me. I know what I do know, and I will tell you distinctly.

Q. I am not abusing you. I am only telling you what anyone should know.—

A. Now, John, you know you couldn't recollect those things to save your life.

Q. I don't want to get into a discussion with you. Go on?—A. Well don't; just give me a fair chance.

Q. All right; I will give you a chance, as you call it.—A. On check No. 16190, dated November 19, that I am quite sure didn't get in, \$2, because—

Q. Now, Mr. Bowman, will you please answer my question? I am not asking you what didn't get in. I am asking you to pick out the items that did go in. Will you do that?—A. I am doing that. I am picking out all I see here.

Judge WHEATON. Haven't you a letter showing all the items, except one, in a letter which you wrote to Jonathan R. Davis on November 18?—A. Yes, sir; in a letter that I wrote to Jonathan R. Davis, dated November 18, he asked me to give the items outside the checks. There were extra watchers, \$91; printing, \$58.35; advertising, \$3; posting cards, \$19.10; traveling expenses, \$8.25; horse and carriage to get out the voters, \$2. That was in the total of his account as \$181.70. There is one little item to make up the total.

Q. I will ask you now if this statement you filed is not untrue. You have filed a statement in which you say that from October 1 to November 7, 1910, you paid Jonathan R. Davis, chairman, \$7,194.40? Is that untrue or isn't it?—A. There 30 cents different in the total.

Q. Will you please listen to my question? Did you say you paid, as you have sworn to, between October 1 and November 7, 1910, \$7,194.40, to Jonathan R. Davis, chairman?—A. No; because there were other items put in afterwards. Do you mean that you want to put that on?

Q. I am not asking you what he put on. Will you please answer the question, yes or no?—A. No; it is not correct up to November 7.

Q. Then that statement is untrue as filed by you?—A. Other items were put on.

Q. Will you answer the question?—A. I said no, and then I added that certain other items were put on afterwards.

Q. I will ask you again. This statement as you filed and swore to, in which you said you paid Jonathan R. Davis \$7,194.40 between October 1 and November 7, 1910, is untrue?—A. The figures are not correct, because other items were added to it beyond the amount of the account between those dates.

Q. Are there any other items added in this statement that you filed?—A. Added to the amount, do you mean, by me up to November 7?

Q. Yes.—A. Yes, sir.

Q. After November 7?—A. It was incorrect after November 7.

Q. I will put the—A. Yes, sir; I will say yes, sir.

Q. Where are they?—A. On the check book.

Q. I am not asking you about the sworn statement you filed?—A. Well, that is the total.

Q. I am asking about the sworn statement that you filed, and I ask you if that statement is untrue or true?—A. I say that it is not correct; that there were other items added after that, making up the total.

Q. Then what you say is that you filed a statement in which you set forth that from October 1 to November 7, 1910, that you paid to Jonathan R. Davis, chairman, \$7,194.40, that you did not pay him that amount up to that time?—A. No; the other amounts were given before the paper was filed to make up that—make that total.

Q. Was that in your statement?—A. They are in Jonathan R. Davis's.

Q. Was that in your statement?—A. I made no statement excepting that.

Q. Was that in your statement?—A. No, sir; there are no details there.

Q. Was that in your statement—the other amounts?—A. They are in Jonathan R. Davis's statement.

Q. Mr. Bowman, I am not asking you about Jonathan R. Davis's statement or William Jones's statement; I am asking about C. C. Bowman's statement.—A. I don't know.

Q. Then why don't you answer?—A. I did. They are in my total, but not in detail.

Judge WHEATON. They are not in the total—or, I mean, they are in the total, but not in detail.

Mr. LENAHAN. Object to the counsel for the contestee suggesting to the witness what he should testify to.

A. I said they were in my total. I told you a dozen times they were in my total.

Q. You have used a letter by you written to Jonathan R. Davis for the purpose of refreshing your recollection, I understand. Is that right?—A. Yes, sir.

Q. And in that you have set forth that you have given him a check for \$512?—A. Yes, sir; and 40 cents.

Q. But you find in an examination of your books you expended the following amounts in connection with the campaign: For extra watchers, \$91; is that right?—A. Yes, sir; let me see while you read it.

Q. I won't misquote you. Ninety-one dollars, and in that \$91 is the \$50 that you gave to W. H. Hollister?—A. That is my recollection.

Q. Who is W. H. Hollister?—A. He is a man associated with me in business. He lives in Avoca—that is, he was associated with me.

Q. He was associated with you in the coal business?—A. Yes, sir; he was, but he is not now.

Q. He is a coal operator?—A. He was interested in a colliery in which I had stock.

Q. What ward does he live in in Avoca?—A. I don't know.

Q. Did you talk to him before you sent him \$50?—A. Yes, sir.

Q. What did you say to him?—A. I called him up on the telephone at the direction of Mr. Davis, and I asked him how things were going on at Avoca, and he had told me that he didn't need any money for extra watchers at all; but he told me that there was a great deal of money coming up there and he would have to put in extra watchers, and I asked him how much money he wanted and he said that \$50 is sufficient.

Q. Avoca is a Democratic borough, is it not?—A. Yes, sir.

Q. And you carried it?—A. Yes, sir; two wards, I believe.

Q. You didn't ask him how many watchers he wanted?—A. No, sir.

Q. And you didn't ask him to whom he was to pay the money?—A. No, sir.

Q. You have been acquainted in Avoca for years?—A. Yes, sir.

Q. You paid a man by the name of W. P. Jennings \$28?—A. Yes.

Q. Who is W. P. Jennings?—A. He is superintendent of the Pennsylvania Coal Co.

Q. Where?—A. Pittston.

Q. He is superintendent of what colliery?—A. They have changed the districts now.

Q. No; I mean at that time?—A. I don't just know what collieries he does handle.

Q. He has charge of several collieries?—A. Yes, sir.

Q. How long has he been there?—A. Four or five years.

Q. Where is he from?—A. Originally from Forest City, I think.

Q. Is he a Democrat?—A. I think not. I think he is a Republican.

Q. How far does he live from you?—A. Three or four doors.

Q. How did you come to give him that \$26?—A. Mr. Davis told me that I should see any of my friends that had any political influence; and I saw him, and he said that he thought he could put on some men that would act as watchers; and he did, and he told me.

Q. Who were the men?—A. I don't know.

Q. Didn't you ask him where he was to spend this money?—A. No, sir.

Q. You didn't ask him in what district?—A. No.

Q. Didn't you sit down and ask him how much it would cost to employ a few watchers?—A. No.

Q. Didn't you ask him how much he would have to pay watchers?—A. No.

Q. He fixed \$26?—A. He told me afterwards that he spent \$26, and I gave him a check for it.

Q. He told you that he had spent \$26?—A. Yes, sir.

Q. Then he didn't spend your money; it was his own money that he expended?—A. Yes, sir.

Q. And this was the boss of a coal mine?—A. Yes, sir; a coal-mine boss.

Q. Who had lived in that community for three or four years?—A. He lived there for five or six.

Q. Did you ever know him to have taken any hand in politics before this time?—A. Yes, sir.

Q. When?—A. He assisted me in connection with the primaries.

Q. When you were a candidate at the Republican primaries in June he assisted you?—A. Yes, sir.

Q. Did you pay him for that?—A. Yes, sir.

Q. When else did you ever know him to take any part in politics?—A. When I run for councilman he was also very much interested.

Q. He lived in your ward?—A. Yes, sir.

Q. Did you pay him at that time?—A. No; I never paid a cent before in my life for any political purposes.

Q. I am not asking you about that. Don't be too angelic, because when a man is not charged and he begins to protest, it is suspicious. Did you ever know him to have a hand in politics before?—A. No.

Q. Except for you?—A. No.

Q. And at no time did you give him money until this time?—A. No.

Q. Did you tell him to go out and get the people for you?—A. No, sir.

Q. Tell us exactly what the talk was when you and he talked about his taking a part in the campaign for you, Mr. Jennings?—A. I saw him and told him that I would be pleased to have any support that he could give me, and he said that he knew of some men he thought he would be able to get as watchers, and I told him whatever was necessary I would furnish him.

Q. Whatever was necessary you would furnish?—A. Yes, sir; to employ watchers.

Q. Did you ask him for an itemized account?—A. No; I took his word.

Q. And whether he spent the \$26 or whether he spent that purchasing outright the vote of some district you have no knowledge?—A. I have not. I have perfect confidence in his honesty and integrity, and he wouldn't do anything that was not right.

Q. Do you know John Baudis?—A. I do not.

Q. Didn't you give him \$5 on November 10, 1910?—A. I can't recall his name.

Q. You don't know some of the men that you paid money to, then?—A. No; I think I do. Let me see my check book; don't keep that book. If you give it to me, I will look it up.

Q. You won't find it there. You filed a receipt after this contest was inaugurated against you, or Jonathan R. Davis did for you, of \$5 from John Baudis, November 10.—A. All the money Jonathan R. Davis didn't expend for me. He was county chairman and was acting for all the candidates.

Q. Will you please listen to me? You filed a receipt, or Jonathan R. Davis filed a receipt for you, in which you claim you paid John Baudis \$5. You don't know that man at all and have no recollection of him at all?—A. No, sir.

Q. You don't know where he lives?—A. No, sir; I don't. I didn't know that the receipt was filed.

Judge WHEATON. You didn't know the receipt was filed?

A. I did not know the receipt was filed.

Q. You didn't?—A. No, sir.

Q. Mr. Bowman, so that we will understand one and another, you now say that \$7,012.40 represents the actual cash that you paid to Jonathan R. Davis?—

A. Those are the total of the checks I gave him. They are the total of the bills with the subscription to the county fund.

Q. Is that what you paid him?—A. Yes, sir.

Q. Then this \$182 and the difference between \$7,194.40 and \$7,012.40, which is \$182, represents moneys that you paid out for which Jonathan R. Davis took credit? Is that right?—A. That is right.

Q. That includes all the moneys that you paid?—A. Yes, sir.

Q. Now, you are sure of that?—A. Yes, sir.

Q. Does it include all the moneys that you promised to pay? You kept your word and promised to pay?—A. There is one check of a banquet that was \$132.50, paid afterwards.

Q. You talked to Mr. Bertels about having him put you on the Prohibition ticket?—A. Yes, sir.

Q. Did you promise him anything if he would put you on the Prohibition ticket?—A. No, sir; I did not.

Q. You never promised him any money?—A. I don't recall that. I heard him testify to it.

Q. Will you swear that you didn't tell him that you would do what was necessary?—A. I don't recall.

Q. That is the best you can say?—A. Yes, sir.

Q. How many interviews did you have with Mr. Bertels?—A. Only one.

Q. You had but one interview?—A. Yes, sir.

Q. Did you ever give him any money?—A. Yes, sir.

Q. When was that? We will show it to you here. [Shown check by counsel.]—A. On the 3d day of January, check No. 16290, W. B. Bertels, for work of Luzerne County committee, \$25.

Q. What work of the Luzerne County committee?—A. The Prohibition committee.

Q. Was that a political contribution?—A. No, sir.

Q. What was it?—A. It was a subscription to the work of the Prohibition side.

Q. For what purpose was this work?—A. I recollect his letter now. He said he had been—they were short of their subscription to the State work \$25 and asked me to send him a check, which I did by return mail.

Q. For whose work?—A. I don't know whose work. For the work of the Prohibition Party, I suppose, throughout the State.

Q. That is the best answer that you can give?—A. It is the truth.

Q. You heard Mr. Argust and Mr. Ricketts testify about the time—you heard them testify about Mr. Bertels having collected?—A. Yes, sir.

Q. The man they testified about, Mr. Bertels, is this the Bertels that you dealt with?—A. I didn't deal with him. I went to see him. I didn't deal with him in any shape, manner, or form.

Q. He is the Bertels they spoke of as exacting money from other candidates in order to get on his ticket?—A. I didn't hear that.

Q. Didn't you hear Mr. Ricketts testify to that?—A. No, no, sir; not that he exacted money. I didn't hear that, and I don't think that he testified to that.

Q. I show you two checks. One dated October 10, 1910, payable to Thomas O'Brien, for \$50, given by you, and another October 28, for \$50 also, and I ask you why you didn't turn that into your account to your friend Mr. Davis as being spent in your political campaign?—A. Because it was not given to me by the bookkeeper.

Q. Because it was not given to you by the bookkeeper?—A. If it was for that purpose, I don't know whether it was. Let me have the checks.

Q. First, in whose handwriting are those checks?—A. They are in the handwriting of my bookkeeper.

Q. You signed them?—A. I did.

Q. Isn't that on the stub marked "Thomas J. O'Brien, for September salary, for dissemination of information, C. C. Bowman, pol"?—A. Yes, sir.

Q. What was that check for?—A. I don't know.

Q. You don't know what the check is for?—A. To pay this man for his salary.

Q. For what?—A. For what it says in the check.

Q. I know what is written there. What is it to pay him for?—A. It says salary. It says on the check "pay for the dissemination of information": doesn't that explain? This man was in my employ regularly. He spends part of the time working on the place. I was grading my lot and lowering William Street and doing a whole lot of work. William Street was cut down there 5 or 6 feet, and this man had charge of five or six men paving Daley Street, and he used to do some coal inspecting. He was engaged in that work all summer.

She probably thought he was around politically. She probably thought he had spent sufficient time and charged up the full amount.

Q. Do you say that he doesn't do any political work for you?—A. No; I do not.

Q. Didn't he go all over the river; I mean, didn't he go all around the other side of the river for you?—A. We couldn't keep him still. He was bound to go.

Q. Will you answer the question? You know that he did?—A. I am quite sure. I said he did.

Q. Didn't he take your cards?—A. Yes, sir.

Q. And didn't he go around the county?—A. No; I don't think he went around the county. I think he went as far as he could walk or as far as my carriage could take him.

Q. Was he not out working for you politically?—A. Yes, sir; I think he was. You couldn't keep him still. We couldn't keep him in.

Q. And didn't he get money for expenses from you?—A. I think he did.

Q. How much?—A. The check book will show.

Q. No; outside of the check book.—A. I don't think that he did. The girl may have given him something for car fare or something like that.

Q. Do you know young Tigue up here in the courthouse—Mike Tigue's son?—A. Yes, sir.

Q. Didn't you give him \$5 to give Mike Tigue to put cards out for you?—A. No; I don't recollect—no; I recollect the circumstance. He went with Tommy to help him reach up the poles, but I don't know what Tommy told him.

Q. Did you pay O'Brien for that?—A. No; I did not. He got it out of the office, probably.

Q. Did he get it from you?—A. No, sir.

Q. Did he get it from anyone in your office?—A. I don't know. It is likely that he did.

Q. But you don't know whether he did or not?—A. No.

Q. I will now show you another check of O'Brien's, Mr. Bowman, dated October 28, 1910, for \$50. Why didn't you put that in your political account?—A. I will have to look at the check book to see. He is being paid \$50 a month right straight along by the office. He has been with me for years, and is now, and is paid \$50 a month. The bookkeeper had charge of that.

Q. Weren't both of these for political work?—A. She has them charged so.

Q. How much a month were you paying him?—A. \$50 a month.

Q. Tell me how you came to pay him within three weeks \$100 in these two checks, if you pay him \$50 a month for working for you. Explain that.—A. I don't know anything about it.

Q. But you did pay him \$100 inside of three weeks?—A. That explains the whole thing. It may be that she was—

Q. Now, now, sit down and be frank, and we will get along a good deal better.—A. I want to look at my check book.

Q. There are some more in there that you will have to explain.—A. I will explain: don't you worry. Now, here is check No. 16100, October, 1910. She has on this stub marked "September salary for dissemination of information, C. C. Bowman, political." The next check is No. 16130.

Q. That is your September salary, too, isn't it?—A. I will tell you when I get to it.

Q. I can tell you.—A. Yes; because you looked it up. "October salary, C. C. Bowman, pol."

Q. What does that mean?—A. That means just what it says.

Q. What does it mean?—A. I don't know.

Q. What does that mean [indicating stub]?—A. That means C. C. Bowman, and "pol." probably means political.

Q. Now, Mr. Bowman, you know that means political?—A. Yes, sir; I do. There is no question about it. I say "probably" because it is not written out; but I don't know any more than you do. It is a fair inference that is what it means.

Q. How much money was paid out of your office? You say that probably O'Brien got some money out of your office in cash. How much more might have been paid without your knowing for political purposes?—A. The check book will show every dollar that was put in the office for cash.

Q. The check will show it?—A. Yes, sir.

Q. I have asked you if Thomas O'Brien didn't get \$5 from you to give to Tigue for putting up cards, and you said that you did not know, that he had

probably gone to the office and got it without your knowledge.—A. He might have.

Q. That is what I am asking you, how much more could have been taken from your office besides this \$5 and you know nothing about it?—A. Nothing in excess of the total drawn for office cash.

Q. How much was that?—A. I will look over the checks and tell you.

Q. That is the only way you can tell me?—A. That is the only way.

Q. Can you tell us whether or not O'Brien was paid \$5?—A. No.

Q. Could you tell us if somebody else was paid \$10 without your looking at your check book?—A. No, sir; as I said before, I asked my bookkeeper for an itemized statement of all political expenses, and she told me, and I turned that in to Mr. Jonathan R. Davis for political account.

Q. Did you give O'Brien any money to go to Plymouth?—A. No, sir; I did not.

Q. Did you give him any money to go to Nanticoke?—A. No, I did not: I didn't give him money in any case.

Q. Did you give him money to go to White Haven?—A. No, sir.

Q. Did you give him money to go to Hazleton?—A. No, sir.

Q. Did you give him any money to go to Phelps Lewis & Bennett's place and buy hammers and tacks for the purpose of putting up your cards?—A. No, sir. but I remember that he did buy a hammer. I don't know whether he asked me about it; but he told me that there was a special thing in hammers with a long handle to reach high, and he would like to get one, and I told him to go ahead to the girl and get the cash to buy it.

Q. Did you account for these things, for any of these things?—A. No, I didn't, unless it went in that statement.

Q. Don't you know that he went to Plymouth?—A. I can't recollect that: he was running all over the country.

Q. Do you know that he went to Plymouth?—A. No, I don't.

Q. Did he turn in any expense for his fare to Plymouth?—A. I don't know, unless he turned it in to the bookkeeper.

Q. Did you pay him any expenses for his trip to Plymouth?—A. I didn't.

Q. Did anyone for you?—A. It may be as I told you.

Q. Did you inquire from your bookkeeper before filing your accounts whether or not she paid him anything on these trips?—A. Not him specifically, but I asked her to give me everything. I said all the items, and I gave that to Jonathan R. Davis.

Q. Did she pay him for his trips to Plymouth?—A. Not that I know of.

Q. Did she pay him for his trip to Nanticoke?—A. Not that I know of.

Q. Did she pay him for his trip to Hazleton?—A. Not that I know of.

Q. Did she pay him for his trip to White Haven?—A. Not that I know of.

Q. Did you ever ask her?—A. Not specially.

Q. Did you ever ask him what his expenses were?—A. No, sir.

Q. Did he report to you the result of his trips to these places?—A. Yes; we had lots of talks.

Q. And didn't you then ask him whether it had cost him anything or not?—A. No; it was too small to think about.

Q. And didn't you ask him whether it had cost him anything? You suppose that going from Pittston to Hazleton, a trip which would cost two or three dollars, going and returning, and from Pittston to White Haven, which would cost two or three dollars, and to Nanticoke and back, would not cost him anything?—A. When he was at White Haven he was with me in the car.

Q. You paid his expenses there?—A. He didn't have any.

Q. Did you pay any railroad fare?—A. We went in the automobile.

Q. Did you pay any hotel expenses?—A. We didn't stop at any.

Q. Didn't you eat dinner?—A. I don't eat in the middle of the day and he doesn't.

Q. Were you in a saloon with him at White Haven and Freeland?—A. No.

Q. Didn't he leave you at White Haven?—A. I don't think he did. Now, let me see—I think he came back with me in the car.

Q. Do you now say that you did not go on the train to White Haven and back, using mileage?—A. I might have, but I don't recollect it.

Q. Why is your memory so treacherous?—A. Because this is some time back, and I had a good deal to do during the campaign and was moving all the time. Don't ask me to remember every trip I took or that he took during the campaign. It may be that I went there with him on the train; but I was there in an automobile also.

- Q. Do you know a man by name of Charles St. John?—A. Yes, sir.
 Q. When did you first employ him?—A. Eight or ten years ago.
 Q. Have you had him with you for 10 years?—A. I think so, nearly that.
 Q. What was his business before you employed him?—A. Traveling salesman.
 Q. For what? For whom?—A. Anthracite coal.
 Q. No; before you employed him?—A. He was in the wholesale liquor business.
 Q. In Pittston, was he not?—A. Yes, sir.
 Q. And he traveled this territory for you, didn't he, in your campaign?—
 A. He came home after one of his trips, and came to me.—
 Q. I am asking you if he traveled this territory for you?—A. For a short time; yes, sir.
 Q. For a short time, you say?—A. Yes, sir.
 Q. For how long?—A. I don't know.
 Q. What did you pay him for that?—A. I paid him his regular wages.
 Q. Did you pay him anything for his expenses?—A. I don't know. He drew expense money and it was regularly paid.
 Q. Did you pay him anything for his expenses in traveling for you?—A. Whatever expenses he incurred he charged up with his ordinary and general expenses.
 Q. I will ask you the question again. Did you pay him anything for expenses paid out in your behalf as a candidate for Congress?—A. Whatever expenses he incurred were doubtless reimbursed.
 Q. That is not an answer to my question?—A. Let me see my check book.
 Q. The moneys that he spent in traveling and working for you?—A. That would be a very small amount. He was not here but a very short time.
 Q. I am not asking you that. Will you give me an answer to my question?—
 A. I don't know what it was.
 Q. Mr. Bowman, do I have to ask you the question half a dozen times? I am asking you what they amounted to. I will ask you again. What amount of money did you pay him, that he expended in your behalf in traveling this county and working for you as a candidate?—A. I don't know.
 Q. Did you pay him anything?—A. I have told you several times, listen to me, that as my representative he would make requisition for expense checks.
 Q. Expense of what?—A. Traveling expenses.
 Q. For what?—A. Traveling on the road, selling anthracite coal.
 Q. I am not asking you about anthracite coal?—A. Wait until I get through. It may be that he spent a little money around here on the particular work that he said he wanted to do here in Wilkes-Barre. He said there were a lot of lies being circulated about me, about my attitude on the liquor trade, and that he would go and refute them, and I said go ahead, but what he expended on those trips I don't know.
 Q. Did you pay him anything for that?—A. Nothing more than what checks he drew for his ordinary expense account.
 Q. Expense account for what?—A. I have told you four or five times, traveling and selling anthracite coal and whatever he may have spent around this county.
 Q. That is just what I want to know.—A. And I have told you five or six times.
 Q. Have you got that?—A. No.
 Q. Can you tell us how much he spent in your behalf, for your candidacy, and that you paid him for?—A. No.
 Q. Can you give us any idea?—A. No.
 Q. Did you pay him anything?—A. No more than I told you.
 Q. I asked you did you pay him anything at all as his expenses for traveling his county?—A. I will tell you.—
 Q. Just wait a moment until I put my question. You don't seem to catch the question when you are listening.—A. You repeated it so many times.—
 Q. The question is plain enough and—A. What do you want? Do you want to know whether that man had money for expenses? I told you yes. If you want to know where he spent that, my explanation is that he spent that as long as he was in that service. Is that what you want?
 Q. No; it is not. I ask you again if this man spent any money in your canvass, for you in your behalf for Congress, for which you paid him?—A. Doubtless he spent money for his expenses while he was engaged in that work, how much I don't know.
 Q. Can you give us any idea how much?—A. I can't.

Q. Did you make any effort to find out before you filed your account?—A. I did not; I considered it too inconsiderable, if I considered it at all.

Q. You considered it too inconsiderable?—A. Yes, sir.

Q. How long was he working for you?—A. I don't know.

Q. Can you give us some idea?—A. I think it may have been two or three weeks, it may have been a month.

Q. You think this man who is dependent on his labor for his livelihood was out for two or three weeks or probably a month, spending money in your behalf, and you considered that too inconsiderable to ask him how much it was and to pay him for it; Is that right? You understood that didn't you?—A. No; I didn't understand anything of the sort.

Q. Now, I ask you the following question: "Did you make any effort to find out before you filed your account," and you answered, "I did not; I considered it too inconsiderable if I considered it at all?" Is that right?—A. Yes.

Q. You know that this man was coming down to Wilkes-Barre and going to other places in Luzerne County to straighten out your record with the liquor men?—A. Yes; I do.

Q. And you know that a man who goes to liquor houses to electioneer, and to straighten out records, has to spend money, don't you?—A. I don't know how much he has to spend.

Q. I am not asking you that. Will you kindly answer the question? Will you please listen to my question? You know that a man who goes to liquor houses to electioneer has to spend money, don't you?—A. I don't know that he has to; no.

Q. I will ask you this question. Isn't it a fact that you know that this man was going to different places throughout this county to straighten you out with the liquor men?—A. Yes, sir.

Q. And do you say that you gave him no money expressly for that purpose of paying his expenses?—A. I say no; not for that purpose.

Q. What was the purpose it was given to him for? Before he left to go on the tour?—A. He may have had expense money left over from his preceding trips. Be frank with me, John, as I have been with you.

Q. You now want that to be put on the record, do you, that a man who was dependent upon you for a livelihood spent three or four weeks canvassing this county for you, and that you gave him no money to pay any contingent expenses during that mission?—A. Not for that special purpose; no sir. I did not; no, sir. Let me explain it to you. This man is off on the road traveling and when he came back he may have had \$5, \$10, or \$15 in his pocket. He went on with what he had, and went back on the road again. I don't know what he spent.

Judge WHEATON. For whom was he traveling?

A. For C. C. Bowman.

Q. But his business as a traveling agent didn't call him into this territory?—A. No, sir.

Q. He sold no coal in this territory?—A. Yes, sir; he did.

Q. Where did he sell coal in this territory?—A. Some on the Harvey's Lake Branch.

Q. He sold nothing in Wilkes-Barre, where he went specially for you?—A. Well, he may have sold some.

Q. It was not his territory?—A. It was his territory, but he was not traveling it while here at that time.

Q. Do you mean to say that he may had some money left when he came back, and he may have spent \$10 or \$15—that \$10 or \$15 or \$10—and neither gave you an accounting or asked you to make him whole on it?—A. The check book will show.

Q. Now, you answer that question yes or no. Do you mean to say that he may have had some money left when he came back and may have spent that \$10 or \$15 and neither gave you an accounting or asked him to make you whole on it?—A. He gave me an accounting. Every dollar of expense was turned into the office and accounted for—all the expense money he received. He received checks for his total expenses and then turns in an itemized account covering the checks given.

Q. Did he turn in an itemized bill for the moneys he spent in your canvass?—A. As far as I know he did.

Q. And you recognized that as being correct, did you?—A. I certainly did.

Q. Did you turn it into this expense account?—A. I don't know whether or not he turned anything in for political work.

Q. You have testified to that. Did you turn that in?—A. I didn't tell you that he did turn in any. I told you that he undoubtedly turned in an expense account to balance the checks paid him for expenses. That account, if there was anything for political purposes, I would expect my bookkeeper to give me to turn into Jonathan Davis.

Q. I am not asking—I am not asking that. You said he turned in all the moneys he spent?—A. Yes, sir.

Q. You testified to that here on the record. All the moneys that he spent for political purposes on your behalf?—A. No; I did not.

Q. I will leave it at that, but you read the record carefully?—A. I didn't say that, John. I will say that whatever money he expended for expenses for traveling for me on the road or in Wilkes-Barre he should have turned in, and his cash given him. The amount shown on his expense account heretofore balanced, and I suppose it does now.

Q. Mr. Bowman, what was election day?—A. The 8th day of November.

Q. You gave St. John a check that day in Pittston for \$60, didn't you?—A. There was a check drawn to his order and signed by me for \$60 the 8th day of November, 1910.

Q. What did you give him another check on the same day for for \$75?—A. Let me look at that stub. That, I think, will show.

Q. The only way you can tell is by looking at the stub?—A. I think it is his salary.

Q. Look and see if it is his salary. You will see that it is for political expenses; to corrupt the ballot of Pittston?—A. That is a pretty small sum to corrupt the ballot of Pittston.

Q. It will go a good ways in your ward. You know when they beat you it didn't cost so much?—A. You know that is untrue when you state that. You know as true as you are standing there that I never knew of a dollar being spent corruptly. That is an outrage.

Q. What is?—A. To say that I would know in a ward what it would cost to corrupt votes.

Q. No; I said you ought to know what it cost when you run for council. I am telling you all along that no offense is meant. I didn't charge you with corrupting anyone up there.—A. The inference was pretty plain. I am a little sensitive on that subject, John. My way of doing business has been pretty straight.

Q. Well, go ahead with the checks now.—A. You want the first check, No. 16154, November 8, 1910; C. W. St. John, for salary, \$60.

Q. What was the check given the same day, only afterwards, for?—A. I will tell you as soon as I get to it. Don't hurry me. Don't be hedging all the time. You have had a great deal of experience in badgering witnesses.

Q. Oh, I am not badgering you. Go on. What was that check given the same day for, afterwards?—A. This is marked [referring to check] for expenses, and I now recall the circumstances.

Q. What are they?—A. That he went on the road that night, and this is expense money to carry him on his way.

Q. And you gave him \$75?—A. No; the bookkeeper gave him a check.

Q. When I say "you," I mean you or your employee. Will you point out to me where, throughout that whole book, you ever gave him \$75 in addition to \$60 of his salary, marking the \$75 for expenses?—A. Well, he was going on an extended trip; I don't know where he was going.

Q. Yes; I guess he was going on an extended trip.—A. Don't interrupt a man, John, when he is answering you; that isn't fair.

Q. Well, I only repeated what you said.—A. I said he was going on an extended trip. He had been at home for a little while and wanted money for his expenses, and he got it.

Q. We will want the checks prior to these brought here at the next hearing.

(Hearing adjourned until 10 a. m. Saturday, February 25, 1911.)

SATURDAY, FEBRUARY 25, 1911.

Hearing reconvened at 10 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., A. C. Campbell, Esq., John E. Jenkins, Esq., counsel for contestant; Arthur L. Turner, Esq., commissioner for contestant; C. C. Bowman, contestee, in person; Hon. F. W. Wheaton, represented by J. B. Woodward, Esq., Evan C. Jones, Esq., counsel for contestee; John A. Opp, Esq., commissioner for contestee.

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Saturday, the 25th day of February, 1911, at 10 o'clock in the forenoon, at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows: C. H. Guscott, Hazleton, Pa.; James Quinn, Wilkes-Barre Township, Pa.; Dr. Lewis Edwards, Edwardsville, Pa.; John Karboski, Nanticoke, Pa.; Gomer Morgan, Parsons, Pa.; Robert W. Bowen, Duryea, Pa.; B. F. Maxey, Duryea, Pa.; Nina J. Robinson, Pittston, Pa.

GEORGE R. MCLEAN.

Service accepted February 23, 1911.

EVAN C. JONES,
Attorney for Contestee.

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Saturday, the 25th day of February, 1911, at 10 o'clock in the forenoon, at the house of James B. Gilboy, Esq., No. — Main Street, borough of Duryea, Luzerne County, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Bayard Hand, Esq., a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows: James B. Gilboy, Duryea, Pa., and M. A. Cleary, Jr., Duryea, Pa.

GEORGE R. MCLEAN.

Service accepted February 23, 1911.

STATE OF PENNSYLVANIA, Luzerne County, ss:

George R. McLean, being duly sworn according to law, doth depose and say that he served the above notice upon Evan C. Jones, Esq., attorney for C. C. Bowman, contestee, personally upon the 23d day of February, 1911, by making known the contents thereof to him and leaving with him a true and correct copy thereof.

GEORGE R. MCLEAN.

Sworn and subscribed to before me this 25th day of February, 1911.

[SEAL.]

ARTHUR L. TURNER.
Notary Public.

My commission expires January 21, 1915.

C. C. Bowman makes the following statement relative to his testimony that was given at the last hearing:

"When I stated the number of accounts I had in banks I omitted two accounts—one as treasurer of the Pittston Local State Armory Board and one account as treasurer of the Soldiers' Relief Association. And I would also like to correct my former testimony in this, when I stated that I had not made any contribution to a political fund other than in this campaign; in the political campaign in the city of Pittston in 1908 I contributed between \$600 and \$700 to that campaign, which C. B. Smith was to duly file in his report as chairman of the city committee."

MR. LENAHAN. You contributed to the local campaign in Pittston in 1908 six or seven hundred dollars?—A. Yes, sir.

Q. You were a candidate for office at that time, were you not?—A. Yes, sir.

Q. You were a candidate for city treasurer?—A. Yes.

Q. And the chairman of your committee told you that your share of the expenses would be about that much, did he?—A. No.

Q. What did he say to you?—A. He said—I don't just remember what he did say to me, except that I know that I gave him that amount.

Q. You were running on the Republican ticket for city treasurer, were you not?—A. I am not sure whether it was on the Republican or the Citizen's ticket.

Q. Well, there was a mayor to be voted for that year, wasn't there; and a controller to be voted for that year, wasn't there?—A. I think so; yes, sir.

Q. And there was no contest except for this office for which you were running, was there?—A. Yes, sir.

Q. What was the office?—A. Mr. Seiple was a candidate for mayor as opposed to Mr. Gillespie, and I was a candidate against John Kehoe; and Mr. Joyce was a candidate for controller and I don't recollect who was the candidate against him. I guess I—well, I don't remember who was the other candidate.

Q. Don't you know that Mr. Joyce was elected without opposition?—A. I had forgotten.

Q. Opposition from no quarter?—A. Now that you recall it was—he was, yes, sir.

Q. And what was Mr. Seiple, the candidate for mayor of Pittston; what was his contribution if you know?—A. I don't know.

Q. You candidates stood the expense of the whole contest?—A. I stood what I told you; I don't know what the others stood.

Q. Have you no idea how much Seiple stood; how much he contributed?—A. No, sir; none whatever.

Q. There was no talk between him and you?—A. No.

Q. Did you ask Mr. Smith how much he contributed?—A. No.

Q. You never spoke to Smith about how much Seiple contributed?—A. No.

Q. You knew that Mr. Smith, as chairman of your committee that year, the committee of which you were the candidate, had expenses to undergo, didn't you?—A. Yes, sir.

Q. And you knew, too, that it was not fair that you should stand all the expenses of that canvass, didn't you?—A. Yes, sir.

Q. And notwithstanding all that you didn't ask him what the contribution was of your colleagues on the ticket?—A. No, sir; I did not.

Q. You never paid any attention to it?—A. No, sir; I didn't.

MISS NINA J. ROBINSON, called on behalf of the contestant, and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Miss Robinson, where do you live?—A. Pittston.

Q. What is your business?—A. Bookkeeper.

Q. For whom?—A. C. C. Bowman.

Q. How long have you been bookkeeper for him?—A. Four years.

Q. What are your duties as bookkeeper?—A. Well, I have full charge of the books.

Q. What is the character; what is the business?—A. I don't understand.

Q. What is the character of the business?—A. Coal business.

Q. Do you do anything else except take charge of the books?—A. Yes, sir; I attend to the shipping and the billing of the coal.

Q. Billing coal and shipping coal?—A. Yes, sir.

Q. Anything else?—A. Well, this armory board, of which Mr. Bowman is the treasurer, I make out their checks, and the Franklin Coal Co., what little work we do there, I attend to that also.

Q. You also draw checks for Mr. Bowman?—A. Yes, sir.

Q. You have no authority to sign the checks?—A. No.

Q. Witness shown check, dated January 4, 1911, being No. 16296, and ask you the question, how was that check drawn? How was that check first drawn?—A. The check was first drawn "E. T. Giering, \$50."

Q. And the check was drawn by you?—A. Yes, sir.

Q. At whose request?—A. Mr. Bowman told me that he wanted to give Mr. Giering this money, and I drew a check.

Q. You drew a check to E. T. Giering?—A. Yea, sir.

Q. Did you hand the check to Mr. Bowman to be signed?—A. Yea, sir.

Q. And did he sign it? What did he do to the check, then?—A. He said he thought it would be nicer to give him the money rather than the check; he felt that he wanted to do that, and I knew that he couldn't get the money on E. T. Giering's check, and I changed it.

Q. Then, as I understand you, he told you to draw the check to E. T. Giering for \$50, and in pursuance of that request of his you drew the check; is that so?—A. No; he didn't say draw the check for E. T. Giering.

Q. He told you that he wanted to give this to Mr.——A. No; he didn't say to draw the check to Mr. Giering, or E. T. Giering.

Q. He told you—A. To give this to Mr. Giering, and I drew the check.

Q. He said that he wanted to give Mr. Giering a check for \$50?—A. He didn't say a check.

Q. Then, he said he wanted to give Mr. Giering \$50?—A. Yes, sir.

Q. And then you immediately, without any request from him, drew the check? Is that right?—A. Yes; I draw all the checks.

Q. But you know in this case you were not told to draw a check?—A. No.

Q. Now, so that there will be no misunderstanding about this, Mr. Bowman came into the office where you were, and he said to you, "I want to give Mr. Giering \$50"?—A. He didn't come in the office where I was. He was in his office and I was in mine, and he called me.

Q. And he called you and you went in his office?—A. I made out the check.

Q. I mean—A. I didn't go when he called me.

Q. You were within hearing of where he was?—A. Yes, sir.

Q. And he said to you, "I want to give Mr. Giering \$50"?—A. Yes, sir.

Q. And without a word from him you sat down and drew the check, did you?—A. I did.

Q. What did you do when you drew the check—when you filled it in?—

A. After I filled it in I took it to Mr. Bowman.

Q. You took it to Mr. Bowman, did you?—A. Yes, sir.

Q. Then when you brought it to him in the adjoining room, where he was, what happened after he signed it?—A. Well, he said he thought it would be better to give him the money than to give him a check, and I took the check and wrote that.

Q. Then you went back to your room and sat down and wrote in the name of "C. C. Bowman, for," did you—is that right?—A. Yes.

Q. What did you do with the check, then?—A. I gave it to Mr. Bowman.

Q. Now, when you draw checks you always put on the margin what the check is for, don't you?—A. Yes, sir.

Q. Do you put that on before Mr. Bowman signs the check?—A. Yes.

Q. Always before he signs the check?—A. Yes, sir; write that always first.

Q. Now, in this——

Mr. WOODWARD. Do you mean the margin or the stub? A. The stub.

Q. In other words, if Mr. Bowman tells you to draw a check and steps into his office, you draw the check and put on the margin at the time what the check is for, and you either go into Mr. Bowman's room, or he comes to you and signs the check; is that right?—A. Yes, sir; that is right.

Q. And that was done in this case?—A. Yes, sir.

Q. Miss Robinson, I want to call your attention first to the stub of this check which I have been examining you about, and I want to ask you this: In view of the fact that this stub did not show an entry that is here now, "work"; what is that?—A. "Work in connection political campaign."

Q. Who put that in there?—A. I did.

Q. When?—A. Why, Mr. Bowman said——

Q. When, when?—A. I don't know just when I did do it.

Q. About when?—A. I don't know.

Q. Was it a month ago?—A. I don't know.

Q. Was it a week ago?—A. I don't know.

Q. Was it three days ago? Now, Miss Robinson, I want you to think this matter over. I want you to tell me now, because if this is your handwriting you will know it; you know when you made it. I want you to tell me, Miss Robinson, please, about when you made this writing here, "Work in connection political campaign."—A. I don't know just when I did it.

Q. I am not asking you just when. Haven't you done this since last Wednesday?—A. I don't know.

Q. Who asked you to do it?—A. Mr. Bowman.

Mr. BOWMAN. I told her to put that in pencil, so she would know what it was—

Mr. LENAHAN. I am examining this witness. This book has been tampered with since it has been here.

Mr. BOWMAN. So you would know what it was.

Mr. LENAHAN. It has been tampered with, and I want to know who did it. It has been tampered with since it has been here.

Mr. BOWMAN. No; it has not been tampered with; it has not been here. I told her to put it on so you would know what it was.

Mr. LENAHAN. I asked this young lady whether or not she did it three days ago, and she is not as frank as she should be.

Mr. BOWMAN. You are trying to confuse her. That is very unjust.

Mr. LENAHAN. No; I am not trying to confuse her. I want the truth and I am going to get it, and I wish you would sit down and let me go ahead with this examination.

Mr. BOWMAN. Ask her when it was put in originally and when it was put in with pencil.

Mr. LENAHAN. I am not here to take suggestions from you, and I will ask you if I desire any suggestions.

Mr. BOWMAN. Ask her frankly when she first made it, and then when she put it in in pencil and who told her to put it in. I want it to be done frankly.

Mr. LENAHAN. Are you through now?

Mr. BOWMAN. I am for the present.

Mr. LENAHAN. When the Congressman is through the lawyers will proceed.

Mr. BOWMAN. Thank you. I may take another occasion. I have done my share of it and I have always told the truth.

Mr. LENAHAN. Mr. Opp, I am going to appeal to you and Mr. Turner now, as commissioners, to prevent the interference of Mr. Bowman with the witness while on the stand. If he has anything to say, let him say it through his counsel. He has now violated all the rules and proprieties, as well as the rules of decency, by suggesting to the witness, whom I am now cross-examining, how that witness shall testify, and I am here to record my protest against such conduct in the future, and I want you gentlemen to protect me in this matter.

Mr. TURNER. Yes, Mr. Bowman, I would suggest if you have anything to say let it be said through your counsel; in this way we will all get along better.

Mr. LENAHAN (to witness). Miss Robinson, I have asked you, before Mr. Bowman broke in and made suggestions to you as to how you should answer. I have asked you here if that entry was made a month ago, and you said you didn't know. I asked you three days ago; that is, if the change was made three days ago by you, and you said you didn't know; I asked you if it was made since last Wednesday and you said that you didn't know. Miss Robinson, are those answers to my questions the truth?

A. I repeat again that I don't know. The books were taken here, and at one time; I don't know whether it was within three days ago or within a week ago. The book was brought back, but I don't know if it was the last hearing or not.

Q. Miss Robinson, the book was here last Wednesday, and at that time—it is conceded by all parties that this writing that is here now, and which you say is in your handwriting, was not on this margin, "Work in con. political campaign." You say now that this is in your handwriting?—A. Yes, sir.

Q. And you say at the same time that you don't know when you made it?—A. I don't know exactly when I made it.

Q. I am not asking you exactly, Miss Robinson. You are under oath and you will have to answer for the truth of your statement here. Do you say you don't know even approximately when it was done?—A. I don't remember. Well, it wasn't very long ago, but I don't know whether it was within three days or three weeks, or when it was.

Q. You don't know whether it was three days or three weeks, or when it was? Let me attempt to refresh your recollection. Mr. Bowman brought this book to you since last Wednesday, didn't he?—A. The book has been at the office.

Q. The book has been at the office?—A. Yes, sir; he gave it to me.

Q. And he called your attention to the margin of check 16295, didn't he?—A. I don't know whether it was since last Wednesday or not.

Q. You don't know whether it was since last Wednesday; is that what you say?—A. Yes, sir.

Q. You don't know whether it was within the last 72 hours?—A. No.

Q. Well, he did at some time?—A. He brought it back to me.

Q. Wait a moment—he did at some time call your attention to this, did he not?—A. Yes, sir.

Q. And he called your attention to the fact that there was an erasure there, didn't he?—A. Yes, sir.

Q. And he told you to write in what you have written in there, didn't he?—A. He told me to put in there what I had there in the beginning.

Q. Before it was erased?—A. Yes, sir.

Q. He told you that, and you put that in, too, didn't you?—A. Yes.

Q. And what you had in there could have been read, although you attempted to erase it, couldn't it?—A. Why, yes.

Q. Did you ask him why he wanted that done?—A. He said that I had better put in there what I had first, in case any question should come up.

Q. Didn't he tell you that the question had come up, and a very grave question had come up before the commissioners in this case?—A. No.

Q. He didn't say anything about that, did he?—A. I saw it in the paper.

Q. Then you knew it?—A. Yes, sir.

Q. You saw it in the paper, and knew it?—A. Yes, sir.

Q. So that when he asked you to do this it was after you had seen it in the paper?—A. I don't know.

Q. You have testified to that, madam. I am only repeating what you have testified to. You saw in the newspaper, you say, about this erasure, didn't you?—A. Yes, sir.

Q. Then you knew about it, didn't you?—A. I knew about it; yes, sir.

Q. You knew about it from the paper?—A. I knew there was an erasure from the beginning.

Q. But you have testified that you saw it in the paper?—A. Yes.

Q. What paper did you see that in?—A. In the Record and the Gazette.

Q. In the Wilkes-Barre Record, of this city, and the Gazette, of Pittston?—

A. Yes, sir.

Q. You saw an account of the hearing in this case?—A. Yes, sir.

Q. When was it that you saw it in the Record?—A. After the hearing.

Q. Then you saw it in the morning after the hearing in this case?—A. After the hearing.

Q. The hearing was on last Wednesday; was it the day after that you saw it?—A. I guess it was. I guess it must have been; it wasn't in before.

Q. It was in Thursday's Record you saw it, was it?—A. I don't know the date; it was the day after the hearing.

(Witness shown paper.)

Q. I show you the Record containing the account of that hearing of last Wednesday, the Record being of Thursday, February 23, Miss Robinson. I wish you would look at that article in which you say you saw an account of this erasure and read the account of it as it is in the paper, to the commissioners.

(Witness refers to paper.)

Q. Miss Robinson, you say that you saw that in the Record of Thursday of this week, the day after the hearing. I have shown you the account of that hearing, and I now ask you if there is anything relating to this particular transaction in the history of that hearing?—A. No, sir.

Q. There is not. Then you didn't tell the truth when you say that you saw it in the Record?—A. I say, I thought I did.

Q. I know you thought you did, but you did not, did you?—A. No; I guess I didn't.

Q. Now, Miss Robinson, let us be candid and frank with one another. The truth is that Mr. Bowman came to you and asked you to make that entry, didn't he? Isn't that true?—A. He asked me to make the entry in lead pencil.

Q. And he told you why he wanted it done?—A. Yes, sir.

Q. And he told you that there had been comment on the fact that there were erasures there, and he told you to write what you have written; that that was what he had been erasing, what had been erased, didn't he?—A. I don't know whether or not he told me that way or not.

Q. Take your time about this matter, Miss Robinson.—A. He told me to write in there in pencil what I had in there first.

Q. What you had in there first?—A. Yes.

Q. And then you did it?—A. Yes; so that you might see what it was.

Q. So that I might see what it was?—A. Yes, sir.

Q. Now, when did he tell you to do that?—A. I don't know.

Q. To-day is Saturday. I will see if I can help you. To-day is Saturday, isn't it?—A. Yes, sir.

Q. Yesterday was Friday and the day before was Thursday. That was the day after the hearing. Now, was it the day after the hearing that he told you that?—A. I am not sure.

Q. Was it yesterday?—A. No, sir.

Q. Nor was it to-day?—A. No, sir.

Q. Then it must have been the day before yesterday: isn't that so?—A. Unless it was before the last hearing.

Q. Well, you know that you didn't know about this. You didn't know that there was going to be any question about this until after the hearing. You have said that, and the hearing was on Wednesday.—A. How did I know there was going to be any question about it?

Q. I have said that you didn't know anything about any question until you saw something about it in some of the papers, and the papers couldn't have had anything in until Thursday. That is the day before yesterday?—A. I don't believe I said that.

Q. Yes; you did. You said you saw the account of it in the Record and the Pittston Gazette?—A. Yes, sir.

Q. You didn't see it in the Pittston Gazette, did you?—A. I don't know whether I did or not.

Q. Now, let us be frank and candid in this matter. You did not make that entry to-day?—No; not to-day.

Q. And you didn't make it yesterday?—A. No.

Q. That entry wasn't there on Wednesday, that is admitted by all. When we adjourned here at 5 o'clock Wednesday that entry wasn't there. Now, when did you make it?—A. If it wasn't here on Wednesday it must have been made the day after, Thursday, if it was not made yesterday.

Q. Where did you make it?—A. In the office.

Q. About what time of the day?—A. I don't know.

Q. You don't know? Now, Miss Robinson, you know you are very clear as to the fact that Mr. Bowman instructed you to make that entry as it is there now in lead pencil. You even give the language he used in requesting you to make it. Don't you think that it is a little singular that you can't tell whether it was made the day before yesterday or not?—A. Well, I didn't pay much attention to it. If I had charged my mind with it I suppose I could have remembered it.

Q. Did you charge your mind with what Mr. Bowman said to you with reference to the change? You have given here what instructions he gave you?—A. What instructions were those?

Q. Did you make this entry in lead pencil?—A. Yes, sir.

Q. You remember that very clearly, don't you?—A. Yes.

Q. Still you can't tell whether it was the day before yesterday that you did it?—A. Well, it must have been the day before yesterday if it was not done yesterday; I am sure of that; and it was not done to-day; and if it was not here on Wednesday, then it must have been done on Thursday.

Q. I am not asking you to reason on that. You recall it was done on Thursday, don't you?—A. I am not positively sure. I know that it was after one of the hearings; and if it was not there on Wednesday, it must have been done on Thursday.

Q. Then you won't give any reasoning, or I mean recollection. You are just reasoning?—A. That is not reasoning.

Q. You reason it out this way: It was not there on Wednesday; you didn't do it on Friday or Saturday; and so, being there now, you must have done it on Thursday?—A. I did it after one of the hearings; I don't know which particular one.

Q. You have no recollection at all about the time that you did it?—A. No.

Q. Miss Robinson, you wrote, at the time you drew this check up, at the request of Mr. Bowman—did you know Mr. Giering?—A. No.

Q. Did you know his business?—A. Only that he was connected with the Record.

Q. How did you find out that he was connected with the Record?—A. I heard Mr. Bowman speak about it; that is all.

Q. When?—A. At different times.

Q. You heard him say Mr. Giering—A. He spoke about the editorials written by Giering in the Wilkes-Barre Record.

Q. You remember all that distinctly, don't you?—A. Yes; pretty distinctly.

Q. That was away back last summer, wasn't it, that you heard him speaking about that?—A. Last summer; yes, sir; it was.

Q. You remember that distinctly, don't you, the fall and summer of last year, is that right?—A. Well, that might have been one of the times; he spoke about him several times.

Q. But you remember that he spoke about him several times—you remember that distinctly, don't you—last year? Now, will you please tell me why you have such a distinct recollection of matters relating to a stranger, a man you never saw, and conversations about him—and this was several months ago—and you can't now tell what work you did upon this margin of this check book within the last 72 hours, Miss Robinson.—A. It was—

Q. You can't give any answer to that question, can you?—A. No, sir.

Q. Miss Robinson, when you drew that check at that time, how did you draw it—the Giering check?—A. Yes.

Q. Who—what name did you mark on the margin of the check, that it was to be drawn to? How was that marked on the stub?—A. E. T. Glering.

Q. And you also put on at that time, in the same handwriting, "Work on cont. pol. campaign"?—A. "Work in con."

Q. "Work in con. political campaign." Then you erased certain writings or words in the margin, didn't you?—A. Yes, sir.

Q. When?—A. I don't know just when.

Q. About when?—A. I can't remember.

Q. Did you do it the same day?—A. I don't remember.

Q. Why did you do it?—A. Well, Mr. Bowman couldn't get the money on a check made out to E. T. Giering, and I put his name on the check, and consequently I put it on the stub.

Q. Why did you erase the name of Giering so that you thought that it could not be discernible? Why did you do that? Why didn't you just draw a pen through Mr. Giering's name?—A. I could have done that had I wished.

Q. Why didn't you do that? I know you could have done it.—A. I don't know, except that it would be crowded.

Q. Was it crowded underneath? Isn't there a line underneath on which the name of C. C. Bowman could have been written?—A. That would be E. T. Giering and C. C. Bowman.

Q. Not if you erased that.—A. If I erased that?

Q. Yes; just drew a pen over it.—A. I could have done that; it would not make any difference.

Q. Isn't it a fact that you wanted to destroy all evidence in connection with this check on the stub?—A. I didn't have anything to do with that.

Q. Didn't you do the erasing?—A. Yes, sir; I scratched it out.

Q. Isn't it a fact that you wanted to destroy all evidence of Mr. Giering's name in connection with this check on the stub?—A. I couldn't have destroyed it by just scratching it out.

Q. I am not asking you what you could have done; but isn't it a fact that you wanted to destroy all evidence of Mr. Giering's name in connection with this check? Now, isn't that so?—A. No.

Q. Then why did you go to the trouble and care of completely and thoroughly, as you thought, eradicating his name from that stub? You can't give any answer to that question, can you?—A. I suppose it was a mistake of mine by not putting in "for E. T. Giering" down there.

Q. Then why didn't you, when you changed the check to C. C. Bowman for E. T. Giering—when you made that change—why didn't you change the stub in keeping and in conformity with the way in which the check was payable, to C. C. Bowman, for E. T. Giering? Why didn't you do that?—A. I overlooked it.

Q. When you made the erasure, completely, as you undoubtedly thought, of the name of E. T. Giering, was that the time that you also erased the writing, "Work in con. political campaign"? Was that the time you erased that—the same time?—A. Yes, sir.

Q. Now, why did you erase that? Why did you scratch that out?—A. Because Mr. Bowman said it was not really for work; that it was a gift.

Q. Mr. Bowman said that it was not for any work; it was just a gift?—A. Yes, sir.

Q. Then, why didn't you just put a pen through it and write "error" over here where you had drawn the pen and write the word "gift"? Why didn't you do that?—A. I didn't think that it would look as well.

Q. When did you write "for duty"?—A. The first time that I wrote the check.

Q. How did you come to write "for duty" on there? You thought this check was given in payment of a political obligation, did you not?—A. No, sir.

Q. What did you think that it was for?—A. I thought it was for a gift.

Q. Why, then, didn't you put in "for gift"? You have just said that the reason you erased it was because after you made the entry Mr. Bowman told you it was for a gift. Now, why didn't you put on "gift"?—A. Well, that is what we put down when we mean gift.

Q. Then, why didn't you put the rest on? First, you say it was "duty"—you have duty down, and then you practically say it is for an indebtedness in the political campaign; how is that?—A. Well, I didn't mean it was an indebtedness.

Q. But isn't that what you said? Isn't that what you said?—A. Yes; that is what is down there.

Q. Then, if it was in payment of a political debt, as you have said here, there was nothing more than the ordinary duty imposed upon him of paying a debt, if he owed somebody else?—A. I don't understand what you mean.

Q. When he was paying, or when he was giving this check to Mr. Glering, he was only doing what he would do to anyone else that he owed a debt, paying it off by check?—A. He didn't owe him a debt.

Q. How do you know that he didn't?—A. That was just a gift.

Q. How do you know that?—A. Because Mr. Bowman told me that he wanted to give something to Mr. Glering.

Q. He didn't tell you it was a gift until after you had drawn the check, did he?—A. He said that he would like to give something to Mr. Glering.

Q. He didn't tell you it was a gift until after you had drawn the check up, did he? What I want to get at is this: You put on here a recognition of indebtedness and at the same time put down another entry indicating that it was simply a mere philanthropic bequest.—A. I understood from the first that it was that.

Q. That it was a political gift, is that?—A. I didn't know whether it was a political gift—it was a political gift.

Q. Now, I will call your attention to just within a short period of time of a check that you drew to Miles J. Frey. You didn't erase the name of Miles J. Frey; you just drew a line through it, didn't you, and put in the name of the person to whom you intended issuing the check, to wit, to the Pittston State Armory Board. Isn't that so?—A. Yes, sir.

Q. Now, why didn't you do the same with reference to the Glering check?—A. Because I didn't have the time.

Q. Do you mean to say you didn't have the time to draw a line through the name of Glering?—A. I mean when this check was made out I didn't have the time to fix it up.

Q. Why didn't you?—A. Because Mr. Bowman was down at the bank waiting for it.

Q. Where were you?—A. I was up in the office.

Q. Who told you that you had made a mistake?—A. Mr. Bowman telephoned up and said he wanted the check sent down, and I had it made out just to that order, and the stenographer told me that Mr. Bowman wanted it made out that way, so I just crossed it off.

Q. Couldn't you have given a check in the name of the Pittston State Board, and after the check was sent to Mr. Bowman, could you not have come back and erased completely the name of Miles J. Frey?—A. Yes.

Q. Why didn't you do it?—A. Because I didn't think about it.

Q. Because you had nothing to conceal in that, isn't that the reason?—A. I had nothing to conceal in the other.

Q. Because you had nothing to conceal, about this check in the name of Miles J. Frey, isn't that the reason?—A. No, sir.

Q. That wasn't it? Now, Miss Robinson, I want you to answer me this question: Isn't it a fact that this erasure that appears here was made by you after Christmas; isn't that so?—A. After Christmas—I don't know.

Q. You don't know? I will put the question again—A. What is the date of the check; is that after Christmas?

Q. No; it is not after Christmas. Isn't it a fact that you made this erasure? Mr. BOWMAN. Let me examine this book.

Mr. LENAHAN. I can't now while I am examining this witness. Please don't break in on me when I have a paper here before me examining a witness; it is very disagreeable, this thing of having you breaking in.

Q. Now, Miss Robinson, isn't it a fact that since the 14th day of January that you made this erasure?—A. What is the date of the check?

Q. I am not asking you about that.—A. I don't know; I don't know.

Q. Miss Robinson, have you a check dated—I show you a check dated November 14, being check No. 16170; that check was drawn up by you?—A. Yes, sir.

Q. Is the entry on the stub there by you relating to this check?—A. Yes.

Q. At whose request did you draw that check?—A. At the request of Mr. Bowman.

Q. Where?—A. Up in the office.

Q. It is away back in November. You know that your memory is very uncertain for the last three or four days, and I want to be sure that it is remembered by you: that is right, is it?—A. Yes.

Q. Did you make the entry on that stub at his request?—A. Which entry?

Q. All that is there? Did you put that down at his request [indicating]? Did you put the rest down at his request?—A. Well, it was not exactly his request. I put it down when he told me about it.

Q. You put what down when he told you about it?—A. This here [indicating].

Q. Read what you put down when he told you about it.—A. "Personal for taxicab."

Q. Didn't he tell you to put the rest down, too?—A. No; this is "political campaign"?

Q. Yes.—A. No.

Q. What did you put it down for?—A. Because when he told me to draw a check for Jonathan R. Davis I thought it was for political work and put it down there.

Q. You thought, then, it was politics?—A. Yes.

Q. Yet, when you look carefully at that word "personal," written by you in brackets, isn't it a fact that word was written after you had written everything else that is on there? Look at that carefully.—A. After I was through writing everything else?

Q. Look at that and see if it is not written with a different pen and with different ink from the rest.—A. It was written before those two words here [indicating].

Q. That was written at the time you made all the other entries there; is that right?—A. It was not written at the time I made these two.

Q. It was not written at the time you wrote "political campaign"?—A. No, sir.

Q. When did you write "political campaign"?—A. When I made out the check.

Q. That was at the same time. Do you say you made that entry "Jonathan R. Davis, political campaign"? Do you say you wrote all that at one and the same time?—A. No.

Q. You didn't? What part of that didn't you write when you wrote there?—A. "Personal for taxicab."

Q. When did you write that?—A. Afterwards.

Q. Oh, then, as I understand you, you wrote "Jonathan R. Davis" at the time that you made out the check for "political campaign"?—A. Yes, sir.

Q. And then afterwards—whether it was a week or two or three weeks, you don't know anything about—but afterwards you wrote in "personal for taxicab"? Is that right?—A. Yes, sir.

Q. Who told you to do that?—A. We were talking one day.

Q. I am not asking you that.—A. Well, I told you, Mr. Bowman.

Q. Then Mr. Bowman told you to put in "personal for taxicab" sometime after you had written "for political campaign" and "Jonathan R. Davis": is that right?—A. Yes, sir. I think that it must have been sometime before the end of the year's work.

Q. That is, before the end of the year's work; you mean the end of the year 1910, you think that it was, do you?—A. Yes, sir.

Q. You think that it was before January 1, 1911, that he instructed you to write in "personal for taxicab," is that right?—A. He didn't say write it in: he told me what it was for, and then I put it in.

Q. He didn't know it was not in here, did he? He knew that?—A. I don't know whether he did or not.

Q. This was written in November, 1910. Didn't he look at the stubs at all?—A. No, sir.

Q. Didn't he look at them at all?—A. No, sir; I have complete charge of the books.

Q. Do I understand you to say that Mr. Bowman don't look at the stubs at all?—A. Not very often.

Q. I am not asking you whether it is often or very often. Don't he look at them at all? Don't he look at these stubs at all?—A. No.

Q. Mr. Bowman has the reputation of being a very good business man, and do you desire to be understood here that he let two months go by without looking at the stubs of his check book?—A. He doesn't look at the stubs of his check book.

Q. Do you desire to have it on the record here that he will let two months go by without looking at the stubs of his check book?—A. Yes, sir.

Q. Now, Miss Robinson, you say that Mr. Bowman didn't know that was not in there, "personal for taxicab." Mr. Bowman didn't know that was in there, you say. That was not in there. You know I just asked you if Mr. Bowman would let two or three months go by without seeing the stubs or knowing what was on the stubs?—A. Yes.

Q. Now, do you mean to say that he didn't know that you hadn't put in "personal for taxicab"?—A. Didn't know when?

Q. Any time at all before you put it in.—A. No, sir; he didn't know anything about it.

Q. Miss Robinson, have you not testified here within the last five minutes that Mr. Bowman told you sometime after you had filled in this stub that Mr. Bowman told you to put in "personal for taxicab," haven't you; haven't you testified to that?—A. Yes, sir; he told me to put it in.

Q. He told you to put it in?—A. Yes, but he didn't know, not from the stub; he didn't see the stub.

Q. But he knew it was not in?—A. Yes, sir.

Q. How did he know that it was not in?—A. Because I told him.

Q. You told him it was not in, did you. How did you come to tell him it was not in?—A. We were talking about the inventory and Mr. Bowman spoke about that.

Q. Tell us what was said.—A. I don't know that I can repeat the exact words that he said.

Q. Give it to us substantially.—A. He told me when we inventoried we should include this \$700 for the taxicab; and then, and when he did not know anything about it, and he asked me what I had done with that \$700, and I said that I had put it in political, and he said it was not for political, but that it was for a taxicab.

Q. Couldn't you get that in the inventory for the taxicab without adding to your stub book, several weeks at least after you made that stub out? Couldn't you have done that in that inventory without inserting that?—A. Well, I wouldn't know what the check was for unless I made some explanation.

Q. You knew what the check was for? Mr. Bowman had told you several weeks afterwards, and he knew what it was for?—A. Yes.

Q. Then, there was no necessity of adding that in; you and Mr. Bowman knew about the inventory? You and Mr. Bowman were the only ones that knew about the inventory?—A. Yes, sir.

Q. Then, what was the necessity of putting that in? A. There wasn't any necessity.

Q. There was no necessity, was there?—A. No.

Q. The necessity was this contest, wasn't it? That was the only necessity for it. wasn't it, Miss Robinson; isn't that so?—A. No; that was just put in for an explanation.

Q. An explanation to whom? To whom was the explanation to be?—A. For myself, I suppose.

Q. And who else?—A. And so any time we would want to know what the check was for.

Mr. BOWMAN. Let her answer the question. Be fair; let her complete her question, like a gentleman. Why don't you let her complete her question? She wants to tell why she wrote this, and don't try to mix her up.

Mr. TURNER (commissioner). I think that Mr. Opp and I are agreed that the commissioners represent the congressional committee, and things must proceed the same as if the committee were present. Any interruption you have to make, make to your counsel, and counsel will protect the witness.

Mr. BOWMAN. Why don't he protect the witness, then?

Mr. LENAHAN. If you desire me to do anything it is not necessary to tell me 20 times. I have intelligence enough to understand when you tell me once. If not, I will ask for an explanation. You don't add anything to the force of your argument or the vigor of your eloquence by stating on this floor the things that you have been stating ever since this commission was inaugurated.

Mr. WOODWARD. Will you have the stenographers refer back and see if she has completed her answer?

Mr. TURNER (commissioner). Read the answer to the last question.

Mr. LENAHAN. I supposed she had completed her answer, and if I broke in I am very sorry, but the lady did not seem to object to my breaking in.

(The answer read as follows: "And so any time we would want to know what the check was for.")

Mr. WOODWARD. Do you want to add anything to your explanation and answer?

A. Only so it would be easy when referring to the check book to know what it was for.

Mr. LENAHAN (continuing). But you knew what it was for?

A. Yes.

Q. And that explanation was for no one but you and Mr. Bowman? No one else was interested in it?—A. Maybe I wouldn't be there all the time. Somebody else might be there as bookkeeper, you know.

Q. You thought probably somebody would come there as bookkeeper after you had left, is that it?—A. Yes, sir.

Q. How long had you been there?—A. As bookkeeper?

Q. Yes.—A. I have been in Mr. Bowman's office as bookkeeper for four years.

Q. And you were making provision when you made that entry, you were making provisions against your possible retirement from his employment, which you hadn't in view at that time; is that right?—A. Or if anyone else might look at that check book.

Q. Who else had the right to look at that check book besides you and Mr. Bowman?—A. Anybody, it seems, has the right to look at it.

Q. Then, you did it for the purpose of informing anybody that wanted to look at Mr. Bowman's private check book, and any one acting, to your theory and idea, has the right to look at Mr. Bowman's private check book?—A. No; they didn't have the right to, but if anybody should happen to pick up the check book and wanted to know what that \$700 was for, they could find out easily by referring to the stub.

Q. Who did you think might? What do you mean by anybody? That anybody might come in and pick up his book and look at it and demand an explanation?—A. I didn't think anybody would.

Q. Tell the truth, Miss Robinson; you thought there was to be a congressional contest in this case, didn't you?—A. No, indeed; I didn't.

Q. Tell me why this indebtedness as you now have it, of Mr. Bowman; a private affair of his own, wasn't it, outside of politics?—A. Yes.

Q. In other words, it was a debt he owed some one, wasn't it?—A. Yes, sir.

Q. Will you tell me why you put in the word "personal" there, at the same time you wrote "for taxicab," and why you put it in brackets?—A. Because it was a personal check for Jonathan R. Davis.

Q. Because it was a personal check for Jonathan R. Davis? Have you now in plain letters written "personal" in your whole stub book here? Look it over and see if you have any place except in that particular instance?—A. Why, here is one, "C. C. Bowman, personal."

Q. That is personal for C. C. Bowman, isn't it? Read the entry; read the whole of it.—A. "New York Athletic Club, New York draft, due September 1st."

Q. Read the date of the check.—A. "October 1, 1910, C. C. B., personal."

Q. Is it personal?—A. "Per."

Q. Is it in brackets?—A. No.

Q. Now, have you got another one, outside of that? Look the whole book over.—A. There is another one [indicating].

Q. You have "Sept. 3, E. H. Warnick, to loan William"——A. William James Moffit.

Q. That is "C. C. Bowman, pers," isn't it?—A. Yes, sir.

Q. That is not "personal" written as it is in this entry I am calling your attention to. Is there anything about "C. C. Bowman, pers," in the entry I am calling your attention to?—A. No.

Q. I ask you to find me an entry made that way in the whole of the stub book if you can find one there. Look that whole stub book over carefully and see if you find one entry in your whole stub book there, please. There is no such entry as that, is there?—A. Not just like that; no, sir.

Q. I want to call your attention to another entry. You know Thomas J. O'Brien, don't you?—A. Yes, sir.

Q. He was in the employment of Mr. Bowman?—A. Yes, sir.

Q. I call your attention to the check dated October 10, No. 16100, the amount of the check being \$50, payable to T. J. O'Brien. In whose handwriting is that writing, outside of the signature of C. C. Bowman?—A. Mine.

Q. That is yours. What is that check for?—A. For his salary.

Q. Salary for what?—A. For work he had done for Mr. Bowman.

Q. What kind of work?—A. I think that it was work in connection with laying of the sidewalk.

Q. Did you ever pay or give Mr. O'Brien a check for political work?—A. Why, do you mean salary? I gave him a check for \$50.

Q. Did you ever give him a check for political work he had done or was about to do for Mr. Bowman?—A. Well, I paid him his regular salary.

Q. Did you pay him any other money outside of his regular salary for any other purpose, except his regular salary?—A. Well, he did do some political work for Mr. Bowman.

Q. Did you pay him anything for it?—A. Only his salary.

Q. Did you pay him anything for that political work? For political work?—A. I don't remember anything in connection with the election at all.

Q. How long had he been working for Mr. Bowman on salary?—A. Since the 29th or about the 1st of April, 1910.

Q. And he receives \$50 per month?—A. Yes.

Q. And this was for the salary, was it; this check that you have had shown you?—A. Yes.

Q. Read the entry that you made upon that stub, will you, in connection with that check. [Witness shown check book with stub attached]?—A. (Reading:) "September salary for dissemination of information."

Q. What else is there on there?—A. "C. C. B. pol."

Q. "Pol" means what?—A. Political.

Q. Then that was paid for the dissemination of information, wasn't it?—A. That is what I thought it was for.

Q. He told you—that is what you thought it was for? What kind of information; political information?—A. I supposed that it—

Q. You knew it, didn't you?—A. I knew that he went around doing some work, some political work; he was around doing some political work for Mr. Bowman.

Q. And the \$50 that you paid him was for that; for political work?—A. It was his regular salary.

Q. You paid him for that political work \$50?—A. He got his salary.

Q. Now, I didn't ask that.—A. I don't know whether it was for political work or not. Mr. Bowman was going to keep him in his employ.

Q. Didn't you put down there "For dissemination of information," and that is what it was for, wasn't it?—A. Yes.

Q. He was getting \$50 per month?—A. Yes.

Q. For his salary. You never paid him \$100 a month, did you?—A. No; \$50 a month is what he got.

Q. Didn't you pay \$100 one month in two different checks?—A. Yes; I did.

Q. You remember that, don't you?—A. Well, what—

Q. I say you remember that, don't you?—A. Yes.

Q. Why are you so clear on that when you can't remember what happened two or three days ago?—A. Because I can't remember it.

Q. That is the only answer that you can give to it, is it?—A. I am not sure.

Q. Well, I will now show you the check. Didn't you pay or give him a check about October 28, within three weeks after you gave him the one on October 1, for \$50 more?—A. But this was for September salary.

Mr. WOODWARD. Give it all; give the date?

A. October 10, 1910, was for September salary; the one for October 28 was for October salary, because he asked for it.

Q. Have you and Mr. Bowman talked about the testimony that was delivered here on Wednesday?—A. No, sir.

Q. Then you remember distinctly, do you, that these were the circumstances under which those two checks were drawn or given; you remember that, don't

you; you have testified to it here; you remember that?—A. Yes; I remember his asking for the money.

Q. Then, my dear madam, why don't you remember whether or not you made an entry three days ago upon this stub or not, whether you made an entry on this stub the day before yesterday?—A. I don't remember whether it was three days ago or when.

Q. That is what I am asking you; it was within 72 hours. You remember what took place with reference to two checks you issued last October, and why don't you remember whether you made an entry here within 72 hours or not?—A. As I said before, it was within a short time, but I don't know whether it was before or after the last testimony or whether it was after the testimony before. I still say that.

Q. You still say that?—A. I still say I don't know whether that change was made after the last hearing or whether it was after the one before.

Q. Is that the best answer that you can give to my question?—A. Yes.

Q. That is the only answer that you can give?—A. Yes, sir.

Q. Now, you understand what you are stating here, delivering the testimony in this case with the solemnity of an oath upon you, you are not able to say whether you made this entry that I called your attention to in the opening of your evidence. You don't know whether or not you made it the day before yesterday or whether you made it a week ago, do you?—A. No.

Q. Wasn't this check of October 28, given for political purposes or for political work to Thomas O'Brien, work that he had done?—A. It was his salary.

Q. Wasn't it for political work he had done for Mr. Bowman?—A. Yes.

Q. In other words, this is it: Mr. O'Brien was working before the campaign opened for Mr. Bowman as mine foreman, wasn't he, or inspector of coal, one or the other, wasn't he?—A. Before the campaign opened?

Q. Yes.—A. No.

Q. Wasn't he working for him?—A. He was working for Mr. Bowman, but not as coal inspector.

Q. Well, what was he doing?—A. He was doing work around the house and paving the street by Mr. Bowman's house, and he was laying the sidewalk, and things like that.

Q. When did he get through with laying the sidewalk and paving around his house, about when?—A. I don't remember just exactly. I don't remember whether it was in the beginning of September or October.

Q. It was either in the beginning of September or October, is that right?—A. Yes.

Q. And what work he did for Mr. Bowman after that was done politically, wasn't it, for him. It was his political work, was it not?—A. Yes, sir.

Q. And nothing else?—A. Well, he may have done a little work around the place there, but then it didn't amount to very much, you know, it was not steady work for the month, I mean.

Q. Really, and as a matter of fact, his work, for which he was or has been paid \$50 per month, was concluded in September or about the 1st of October, wasn't it?—A. About that time; I am not sure.

Q. So that what work he did after that was done in the way of politics for Mr. Bowman, political work?—A. The greater part of it.

Q. And Mr. Bowman kept him upon his staff at the same salary he was paying him when he was doing ordinary laborer's work for Mr. Bowman. He kept him on his staff as a political worker for him and paid him for it; is that right?—A. Yes; because he had another position for him when the mines started; that was coal inspector.

Q. He was going to make him a coal inspector when the mines started?—A. Yes.

Q. And in the meantime he made up his mind to keep him for doing political work, as he was somewhat influential?—A. Yes, sir.

Q. And he paid him for doing that the same as he paid him for doing the work around the house, \$50; \$50 per month?—A. Yes.

Q. And whenever this \$50 was paid him for political work you always marked it on the stub that it was for political work, didn't you?—A. If I thought so, I did.

Q. And whenever this \$50 was paid him for political—and that is what you did on this check of October 28, "C. C. Bowman, politics."—A. Yes.

Q. That meant for political work, didn't it?—A. Yes.

Q. Now, in addition to these checks, have you got any books here showing how much cash Mr. O'Brien drew from you?—A. Yes; here it shows.

Q. Turn to them, will you?

(Witness turns to books and papers.)

Q. Will you let me see that book, please?

(Hands book to counsel.)

Q. Where is it?—A. Where I paid money to him?

Q. Yes.—A. I think that you had better look in October.

Q. Look in October, you, you will find there where you paid him something in October, I think.—A. Here is T. J. O'Brien, \$20.

Q. Now, your book shows, Miss Robinson, that you gave Mr. O'Brien, on October 21, \$20 in cash for political work, don't it?—A. Yes.

Mr. MCLEAN. You have balanced this up to January 1, did you, when you closed your books?

A. Yes, sir.

Mr. MCLEAN. Where is your balance, please?

A. That is for January 1. [Witness indicates to Mr. McLean where balance is.]

Mr. MCLEAN. You kept monthly balances, did you?

A. Yes.

Mr. LENAHAN. Look at page 172 on this book that you have produced, Miss Robinson.

Mr. WOODWARD. May, 1910. We object to that because that is prior to the time covered in this investigation and contest.

Mr. LENAHAN. Did you give Mr. O'Brien anything for political purposes May 10; look down among the last entries there?

A. May 10, 1910.

Commissioner TURNER. We don't make any rulings on these things. We note the objection; that is all we can do.

A. I don't see anything. Will I answer?

Q. Yes, indeed you will answer; you would rather not answer, wouldn't you?—A. It says here \$10, political campaign money, given to Mr. O'Brien.

Q. That was for political work, you say, that he did for Mr. Bowman, was it?—A. Yes.

Q. Look on page No. 174, May 10; did you give any money to anyone that day, May 10, page 174?—A. Yes; \$5.

Q. Whom did you give that \$5?—A. Mr. O'Brien.

Q. That was for political purposes, also, that he did or was to do for Mr. Bowman; is that right?—A. Yes.

Q. Now, look at page 174, May 17.—A. Yes.

Q. Did you give money for political work for Mr. Bowman that day?—A. \$2.

Q. To whom?—A. O'Brien.

Q. Now, look at the 18th.—A. Yes.

Q. Did you give anyone any money for political work on that day?—A. Yes, sir; \$3 to O'Brien.

Q. Look at page 178, June 4—A. Yes; \$5.

Q. To whom?—A. Connell.

Q. That is for political work for Mr. Bowman, too, wasn't it?—A. Yes.

Mr. WOODWARD. This is all objected to by counsel for contestee and asked to be stricken out, because being all outside of the period covered by the statement and prior to the period covering or covered by this investigation and contest.

Q. Now, on July 23, page 186.—A. Yes.

Q. O'Brien, \$1?—A. Yes; T. J. O'Brien, \$1; but I don't believe that was for political work.

Q. What does it say there?—A. It just says T. J. O'Brien, \$1.

Q. What you mean is that it is not political; is that it?—A. No.

Q. What was it for?—A. Unless I gave him a dollar on his salary.

Q. If it was not on his salary it was for political work, was it not?—A. Yes.

Q. Haven't you got checks showing that he got \$50 each month? Don't your checks show that, from June on up?—A. I don't know.

Q. But if he got his salary in checks, then this was for political work, wasn't it?—Q. Yes; if the check was for \$50 for his salary, this was for political work.

Q. Look at page 188. August 3. George Ruscavage. Was that for political work?—A. No.

Q. What was that for?—A. He worked on the sidewalk.

Q. Now, there is Alfred Malukas.—A. \$3.50.

Q. What was that for?—A. That was for work on sidewalk.

Q. Page 188, William King, August 3.—A. That was for work done on the sidewalk.

Q. Page 188, David Reese, that is on the same page.—A. That was for work on the sidewalk.

Q. On the same page, C. Schriber.—A. Frank Schriber; that is on the sidewalk.

Q. That is \$8.75?—A. Yes.

Q. T. Loughrey.—A. That was on the sidewalk.

Q. Page 194, T. J. O'Brien.—A. September 29; yes.

Mr. WOODWARD. What dates are those?

A. September 29.

Q. How much?—A. \$3.

Q. What was that for?—A. Political work.

Q. Page 198, give that; page 198, \$20.—A. October 21, \$20.

Q. For what?—A. Political work; T. J. O'Brien.

Q. To T. J. O'Brien, wasn't it?—A. Yes.

Q. And the same day, page 200, to C. W. St. John?—A. Yes.

Q. How much is he paid?—A. \$25.

Q. What for?—A. Political work.

Q. Turn to page 202.—A. Yes; I have it.

Q. What is that?—A. That is Davenport, \$10.

Q. Is that for political work?—A. Yes.

Q. Now give me the date of the payment of Davenport.—A. November 8.

Q. That was election day, wasn't it, or do you know? Well, it was election day. Now turn to J. Porteous, on the same page.—A. \$5.

Q. That was for political work?—A. Yes.

Q. Have you got the account of St. John there?—A. Do you mean his expense account?

Q. Yes.—A. Yes [witness hands papers]. Do you want it from April?

Q. Are these in the order of the months they are made out?—A. Yes.

Q. Where does this account start, April; is that April, 1910? When did Mr. St. John begin working for Mr. Bowman?—A. I don't know.

Q. About how long?—A. That he worked for him?

Q. At least a year?—A. Oh, more than that.

Q. At how much a month?—A. \$60.

Q. What did he do?—A. He was a traveling salesman.

Q. What is his territory; that is, when you say traveling salesman, he sold coal?—A. Yes.

Q. Where? What territory?—A. Western Pennsylvania, New York State, and he has traveled in Canada and points in Pennsylvania.

Q. Canada, New York State, and what points in Pennsylvania?—A. Up along the line of the Lehigh Valley.

Q. From what point north?—A. Well, he would go from here to Sayre and Towanda and those places along there—along the Lehigh Valley.

Q. From Pittston north, is that right, in Pennsylvania; his territory was from Pittston north?—A. Yes.

Q. But he sold no coal south of Pittston?—A. No.

Q. You knew that he was in Nanticoke working for Mr. Bowman, didn't you?—A. What do you mean?

Q. Working politically for him.—A. I don't know whether he was in Nanticoke; I don't know where he was.

Q. Did he return these to you [indicating papers]?—A. Yes; they came to the office.

Q. Nanticoke was not in his territory, was it? That is, he sold no coal there?—A. That was not his regular territory.

Q. Has he turned in \$1.50 for Nanticoke, June 4; wasn't that for political work?

Mr. WOODWARD. This is objected to, and all occurrences prior to August 30, as not material and irrelevant, because it is not within the time covered by this investigation, being prior to the time covered by this investigation and contest.

Q. Answer the question, please.—A. That he was in Nanticoke?

Q. That was for political work, wasn't it?—A. Yes.

Q. He turned in and was paid by Mr. Bowman, for the month of October—from the 1st of October to about October 8—\$61.80 for political work he did for Mr. Bowman; look at that and see, is that right?—A. Yes, sir.

Q. And that is "O. K'd." I will read this, the bill he turned in begins, "C. W. St. John, expense account for October, 1910." And among the items of expense

that he gives is for political work for Mr. Bowman, \$61.80, and that is "O. K'd," isn't it?—A. I don't know when; that is the amount.

Q. That bill is O. K'd by C. C. Bowman?—A. Yes, sir.

Q. His initials are there, "O. K., C. C. B." is that right?—A. Yes.

Q. It reads as follows: "The whole amount of the bill is \$82.80," isn't that so?—A. Yes.

Q. All the items?—A. Yes.

Q. But the political work is \$61.80, isn't it; is that right?—A. Yes.

Q. And then it reads at the bottom, "O. K., \$82.80," signed "C. C. Bowman;" that is right, isn't it?—A. Yes.

Q. And that means C. C. Bowman?—A. Yes.

Q. And that is right?—A. Yes, sir.

Q. You were asked to bring here the expense account of Mr. St. John up to the election. I wish you would point out now and find for us his expense account from October 8; that is the last date on this to November 9, the day after election. Where is that expense account?—A. That must be included in this \$81.80, that is all the expense account he sent in.

Q. He sent you an expense account every month, didn't he?—A. Every month.

Q. Now, I want to get from you where the expense account is from October 8, up to November 9, the day after election. He had expenses during that period of time, didn't he?—A. Well, he didn't turn them in; that is all I have.

Mr. JONES. That is probably all he turned in. She brought everything he turned in.

Q. We will see whether she brought it or not. I say she didn't. He has expenses for that month; if he did not it is the only month during the whole time that he worked for Bowman. Have you got any expense account of St. John for one month, from October 8 to November 9, 1910?—A. Not an itemized expense account.

Q. Have you any expense account?—A. Only I suppose that is the time from the ending of that to the beginning of that. [Witness indicates expense sheets.]

Q. No, this is made up. This expense account here is October 8. That is what I am after. Now, I want to know from you.—A. This expense is October 8 down to there, and when does this come in? This comes in between October 8 and November 9.

Q. I don't know; I want to know from you. Where are his expenses?—A. I don't know.

Q. Didn't he turn it in to you?—A. I have only what you saw here.

Q. I will show you the accounts or lists that you brought here. The list I call your attention to covers a period of time up to October 8. On its face it purports to do that, don't it?—A. Yes; down to the 1st, to October 8.

Q. I don't care down to where, but what I want to know is, where is his expense account? I am not talking about political expenses, but where is his expense account between October 8 and this paper that purports to be an expense account from November 9?—A. I haven't got it; I never received any from him.

Q. Didn't he turn in, and didn't you pay him any expenses for a whole month?—A. No, these are the only expense accounts that I received from him [indicating].

Q. So that we will get this straight: St. John was continually on the road, wasn't he; isn't that right?—A. Yes, he was on the road.

Q. And Mr. Bowman, in addition to his salary, paid him his traveling expenses, didn't he?—A. Yes.

Q. And at the end of each month he would turn in an expense account for traveling?—A. Yes.

Q. And he traveled from October 8 to November 9, didn't he?—A. Yes; traveled where—selling coal, do you mean?

Q. Yes.—A. I don't know what he was doing, only what his expense account shows.

Q. But was he traveling that month?—A. Yes.

Q. And didn't he have some expenses traveling?

Mr. JONES. Just a minute; how would she know he had expenses?

Mr. LENAHAN. One moment, if she don't know let her say so.

Mr. JONES. You subpoenaed her to bring his expense accounts.

Mr. LENAHAN. And I say she has not done it.

Mr. JONES. She didn't travel with St. John, and she wouldn't know if he had any expenses.

Mr. LENAHAN. Then let her say so. She is in the employ of Mr. Bowman and would know if another employee had expenses for a whole month or not. I will now put the question to her again. Didn't he have some expenses traveling from October 8 to November 9?

A. I don't understand what you mean by the question.

Q. Did he do any traveling at all in the line of his business for one whole month, from October 8 to November 9?—A. Do you mean selling coal?

Q. Yes.—A. Only what his expense account shows; that is all I have.

Q. I am not asking you what you have. I am asking you did he have any traveling expenses at all, or did he travel for Mr. Bowman in the line of his business from October 8, 1910, to November 9, 1910?—A. I would like to see those expense accounts, please.

Q. You have produced, here, you know, all his expense accounts that I have asked you to?—A. Yes.

Q. Except the expense account for the month running from October 8 to November 9. You haven't got that. Now what I want to know is—

Mr. WOODWARD. She has asked to look at them to find out.

Mr. LENAHAN. I will show them to her. (To witness:) You see, you have given every month except that particular month. That is very important. It happens to be the most important of all.

A. Well, from October 1 to the 8th, he had been up the country, and from October 8 until November 9 he must have been—that must be where these campaign expenses come in.

Q. I am not asking you what must be.—A. Well, I don't know whether Mr. St. John was—

Q. You know that he wasn't doing any work in the line of salesman for about a month before election day, don't you, and that is why there were no expenses turned in from October 8 until November 9, which was the day after election; isn't that so?—A. There are no expenses turned in.

Q. The truth is that during that month he was working for Mr. Bowman's political interests in the county; isn't that so?—A. Yes, sir.

Q. Because if he had been selling coal for Mr. Bowman during that month he would have turned in his expenses for the month for traveling, such as we have here. Going to Auburn, Syracuse, Rome, and all through that territory, he would have turned that in; he would have turned in expenses for that period of time if he was selling coal for that month?—A. Yes.

Q. So it must have been included in the political work for the month?—A. I don't know what he was doing.

Q. You used to see him in the office during that month?—A. Not very much. When he was home he came in once in a while.

Q. Didn't he tell you what he was doing for Mr. Bowman when he came in, in a political line?—A. Once in a while.

Q. Did you ever pay him any expense money in advance for his regular work as salesman?—A. How do you mean?

Q. When he would leave to go on a journey for Mr. Bowman, north, would you ever pay him any money in advance for expenses?—A. Yes, we usually gave him a check for his expenses.

Q. How much was it that you usually gave him?—A. About—well, \$50 or \$75.

Q. How is it on this check book, I mean the stubs? What was his salary per month?—A. \$60.

Q. What was the most you ever gave him for his expenses?—A. \$75.

Q. When?—A. Do you mean the dates that I gave it to him?

Q. Yes.—A. When he went on his trip.

Q. Give us one particular time that you gave him \$75.—A. I can't remember that.

Q. Now, isn't it a fact that you never gave him that but once and that was on election day? Look here [indicating stub of check book]—\$75, isn't there any other place?—A. No other place that I can find.

Mr. MCLEAN. All the checks are there together. She won't have to go through the whole book.

Q. There is none other than that until January 23, check 16336.—A. What was that for, \$75?

Q. Yes.—A. Whenever he wanted a Lehigh Valley mileage we always gave him \$25 extra; that makes the \$75.

(Check shown witness, given to St. John.)

Q. What is the date of that check?—A. September 29, 1910, expenses \$50.

Q. \$50. Was that expense?—A. I will have to look to find out. September 29; that was expenses, yes.

Q. Now, I wish you would do this. I wish you would follow this account down, come down on these accounts here and there. We have it marked off, what is for expenses and what is for salary, and when the different amounts were paid him, beginning September 29 up to January 23. Do you see 1911? You have got to follow that down here. Follow that and see if it is not correct, and then add up these amounts of expenses and salaries, the whole amount, and see if this is not correct. Take the checks, and let her look at the stubs. The checks won't tell whether it was for expense or not.—A. September 29, you say?

Q. Take the checks up to and including January 23.—A. \$640 for salary and expenses.

Q. How much of that was salary? That was \$640, covering that period of time. We figured it \$620. From September 29, 1910, to January 23, 1911, you drew checks in his favor to the amount of \$640, did you not?—A. Yes, sir.

Q. And of that \$240 was for salary?—A. Yes.

Q. And \$400 was for expenses?—A. Yes.

Q. You understand that, do you?—A. Yes, sir.

Cross-examination by Mr. WOODWARD:

Q. Miss Robinson, how long did you say that you had worked for Mr. Bowman?—A. Mr. Lenahan asked me how long I worked for him as a bookkeeper; that was four years, but I have been in his employ, doing other classes of work, such as stenographer, for eight years.

Mr. LENAHAN. Do you mean eight years in addition to the four years?

A. No, sir; eight altogether.

Mr. WOODWARD. You had entire charge of his business during his absence?

A. Yes, sir.

Q. With power of attorney to sign checks and conduct business generally?—A. Yes, sir; when he was abroad I had power of attorney during that time.

Q. Now in regard to the—what was your custom in drawing checks as to noting on the stubs what it was for? After you drew a check or were instructed to draw a check without any instructions from Mr. Bowman. I mean, would you make your own entry on the check?—A. Yes, sir.

Q. Regarding the check of January 4, 1911: turn to that check and the stub. That check you say was made out to E. T. Gierling, originally, at the request of Mr. Bowman, on the statement of Mr. Bowman that he wanted to give Mr. Gierling \$50 in money and you drew the check to E. T. Gierling?—A. Yes, sir.

Q. And then when you found that he wanted to give it to him not in a check, but in money, you wrote over the check, C. C. Bowman for E. T. Gierling?—A. Yes, sir.

Q. And you made an entry on the stub, did you?—A. Yes, sir.

Q. State whether or not Mr. Bowman dictated that entry to you that you made on the stub, or whether you made it of your own volition?—A. I made it of my own free will.

Q. Subsequently that entry was erased at Mr. Bowman's request?—A. That was never changed. The word "Duty" was never changed.

Q. But I say the other, that is, the erasure there, was made by you at Mr. Bowman's request?—A. Yes.

Q. And then at his request you restored the entry on the stub as you had it originally, in lead pencil?—A. Yes.

Q. What does that entry "Duty" signify in your system of bookkeeping?—A. We have an account, and if anything is given as a gift, understand, it is charged to that. Or any subscription made to a charitable purpose.

Q. How long after the account was closed and was turned in by you was this check drawn? How long after this thing had closed, your account had closed and been turned in to Mr. Davis, how long after that was this check drawn?—A. Do you mean how long after—just the list of things we had paid?

Q. You turned in a list to Mr. Davis, didn't you?—A. Yes.

Q. What was the date of that?—A. The date of the list was November 18, 1910.

Q. Now, in regard to this expense account of St. John's. When did that come in to you with reference to the time that you turned in the list to Mr. Davis? Before or after? Do you understand the question?—A. What time did this expense account come in?

Q. With reference to the time that you turned in the list to Mr. Davis, when did that expense account come in?—A. It was just about the same time.

Q. Was it before or after?—A. It may have come in before; before, I think, just a short time.

Q. When was it posted in your books, before or afterwards; you—I mean before or after you turned in your accounts?—A. Afterwards.

Q. What did you take your statement from that you turned in to Mr. Davis, which books, as posted?—A. From the check book and the petty cashbooks.

Redirect examination by Mr. LENAHAN:

Q. I want you to look at that account of St. John's that he turned in. See that?—A. Yes.

Q. Didn't you enter that in the journal on the 28th, the day you have given him credit here, October 28?—A. I didn't have it at that time.

Q. But didn't you enter it on the journal before you got that, November 9?—A. Do you mean before I got this account?

Q. Yes, November 9. The account beginning November 9.—A. Yes, I entered this before I got that.

Q. When did you get that, beginning November 9?—A. Well, it would be in the early part of December; I don't know the date.

Q. You got the one beginning on November 9, in the early part of December?—A. Probably about the 6th or the 7th of December.

Q. And you entered that October, the campaign expense account, including the \$61.80, then, before December, didn't you?—A. Yes.

Q. When was that given to you? You got that in the latter part of October, didn't you?—A. No.

Q. Didn't you get it before election?—A. November 16.

Q. You got this on November 16?—A. Yes.

Q. How did you get it?—A. By mail.

Q. From where?—A. I believe I have the letter here; from Canandaigua.

Q. Let me see the letter, please.

(Witness hands letter to counsel.)

Q. Is this the account, beginning October 1, that was inclosed with this letter, dated November 14, from Canandaigua?—A. Yes, sir.

Q. Where is that journal?—A. That journal is up at the office.

Q. I would like to have that journal down here the next time. Have you the envelope in which this letter was inclosed?—A. No, sir.

Q. When did you receive this letter?—A. Not later than the 16th of November, on the 16th.

Q. The 16th of November. The letter reads as follows:

CANANDAIGUA, N. Y., November 14, 1910.

C. C. BOWMAN, Pittston, Pa.

DEAR SIR: Order 1414, ship as soon as possible. Inclosed please find statement of expense account for October. Send mail to Vanderbilt Hotel, Syracuse; two days later to Hotel Morton, Utica. Can't express to you how glad I am that you won out for Congress and beat that dirty gang that was fighting you.

Yours, truly,

C. W. ST. JOHN.

Indorsed on the back of this is—

NOVEMBER 16, 1910.

C. W. ST. JOHN, Syracuse, N. Y.

DEAR SIR: Order 1414 duly received. Will hold same and have to get it shipped from the new mines when it starts up, but don't accept any orders for chestnut unless accompanied by orders for equal quantity of egg and stove. O'Boyle and Foy are in need of orders for stove coal.

Yours, truly,

C. C. BOWMAN.

Q. That letter is signed by Mr. Bowman himself, isn't it?—A. Yes.

Q. So that he knew, when he wrote this letter, about the receipt of this expense account, didn't he?—A. Yes, sir.

Q. In which expense account St. John claims \$61.80 for political work done for Mr. Bowman, didn't he?—A. Yes, sir.

Mr. LENAHAN (to Mr. Bowman). Mr. Bowman, I want to have that journal down here at the next meeting.

Mr. BOWMAN. You will have to have the lady come with it, John. Nobody else knows anything about it.

JONATHAN R. DAVIS, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. LENAHAN :

Q. Mr. Davis, what is your business?—A. Real estate.

Q. How long have you been in the real-estate business?—A. Two years and a half.

Q. What you mean by real estate is that you are engaged in the business of buying and selling real estate as a broker?—A. Yes.

Q. And renting houses, also?—A. I don't rent houses; no, sir.

Q. And you have been in the business two years and a half?—A. Yes, sir.

Q. You were the chairman of the Republican county committee, were you?—A. Yes, sir.

Q. You were also the special manager, both in the primaries and in the general election, of the candidacy of C. C. Bowman, who was a candidate for Congress from this district, were you not?—A. Yes, sir.

Q. You have turned in here in your account filed in pursuance of the act of assembly charging yourself with receipts in the campaign of \$8,984.40?—A. Yes.

Q. Does that cover all the moneys you received?—A. Yes, sir.

Q. As chairman or as special manager for Mr. Bowman?—A. Yes.

Q. You have also charged yourself with the disbursements in different amounts to C. H. Guscott, \$700; James Quinn, \$400; Lewis Edwards, \$560; John Karboski, \$550; Gomer Morgan, \$430; Robert Bowen, \$575; B. F. Maxey, \$500. That is correct, is it?—A. Yes, sir.

Q. You charge them no other moneys but that?—A. No, sir.

Q. You have turned in here, "Employment of special watchers as per receipts attached, \$2,393."—A. Yes, sir.

Q. Do the receipts that you attach to the account, as you say in the account filed, show that you paid \$2,393?—A. The receipts are not there to cover that amount.

Q. How much do the receipts show that you paid for the employment of special watchers?—A. I think there is a deficiency of \$80.

Q. No; I am not asking you that. How much do they show you paid—never mind the discrepancy?—A. I don't know.

Q. We have calculated the amounts as shown from your receipts that you paid for special watchers, and according to our calculations they are \$2,182. Is that correct, or isn't it?—A. I don't know. I know there is a deficiency there of \$80 or \$90.

Q. You don't know?—A. No.

Q. When you filed your account—that is all we are referring to at the present time—you returned your account with the following statement: "Employment of special watchers, as per receipts attached, \$2,393." What was the deficiency at that time as per the receipts attached?—A. I don't remember.

Q. Can you tell us about how much it was?—A. Why, there was a number of receipts that I expected to have in there to balance that \$2,393 that I didn't succeed in getting.

Q. Will you kindly answer the question?—A. What was the question?

Q. When you filed your account—that is all we are referring to at the present time—you returned your account with the following statement: "Employment of special watchers, as per receipts attached, \$2,393." What was the deficiency at that time as per the receipts attached? Can you tell us all about how much?—A. I think about \$200 deficiency.

Q. Then you subsequently filed receipts for a sum covering or pretty nearly covering the \$200 deficiency since you filed your account?—A. No; there is still a deficiency; I didn't file enough; I didn't get them.

Q. Did you file any receipts since you filed your account?—A. Yes, sir.

Q. How much do they amount to?—A. I don't recollect the amount.

Q. Well, about how much?—A. I don't just recollect just what receipts they were. It didn't amount to very much, but I don't remember what it was.

Q. After you filed the receipts—the second receipts—about how much was the deficiency?—A. About \$90.

Q. For which you have never filed any receipts?—A. Yes, sir.

Q. Will you please tell me what those items are?—A. I can't do it.

Q. Why?—A. I don't remember what they are.

Q. Can't you give us any idea what they were?—A. No.

Q. Why do you estimate it at \$80 or \$90?—A. Because I figured that special account was deficient about \$80 or \$90 in receipts.

Q. Then, what you say is this: You got receipts the second time and filed them, and the amounts in these receipts the second time, with the amounts in the receipts you filed with your account, say, amounted to so much money, leaving a balance of \$80 or \$90 after deducting the two batches of receipts from this \$2,393 which you filed; is that right?—A. Well, there was a deficiency of about \$200 in that special account when I filed it.

Q. Now, see here, Mr. Davis, my question is very plain?—A. No; it is not very plain; it is rather complicated; I beg your pardon.

Q. It is not a bit complicated. You originally filed an account for \$2,393?—A. Yes.

Q. In which you said it was for the employment of watchers, as per receipts attached?—A. Yes, sir.

Q. And you discovered afterwards that you were lacking in receipts about \$200 to make up the whole of the \$2,393; isn't that right?—A. Yes; that is right.

Q. And you subsequently got some other receipts, which you filed. Those receipts, added to the receipts you had originally filed, still left a deficiency between the amount of the two receipts and the \$2,393 of about \$80.—A. \$80 or \$90; yea.

Q. Is that right?—A. That is right.

Q. Now, do you know that you have paid out that \$80 or \$90?—A. I do; yea, sir.

Q. How do you know it?—A. Well, my cash account shows it.

Q. Is that all it shows?—A. Yes.

Q. Don't it show what you paid that \$80 or \$90 out for?—A. No.

Q. Have you no idea what it was paid for?—A. I can't tell, I mean; yes, I can tell.

Q. Well, what was it paid out for?—A. Under the head "Special watchers."

Q. Well, to whom was it paid?—A. I couldn't tell you.

Q. Where was it paid?—A. I couldn't tell you.

Q. When was it paid?—A. Before and after election.

Q. How much of that \$80 or \$90 was paid before election?—A. I couldn't specify that.

Q. About how much?—A. I couldn't tell you that.

Q. How much was paid after election?—A. I couldn't tell you that.

Q. About how much?—A. I couldn't tell you that.

Q. Can you give us the name of one man to whom it was paid? Can you give us the name of one man that this \$80 or \$90 was paid; that is what I am talking about, to whom this \$80 or \$90 was paid?—A. There were so many of them I don't recall them; I can't at the moment.

Q. When can you find out for us; when and where can you find out for us?—A. I will try and think it over.

Q. That is the best answer that you can give now?—A. That is the best answer that I can give now.

Q. Will you please think it over?—A. I will; yes.

Q. Will you tell us how you arrived at the figures \$2,393, and where those figures are?—A. I had a special account under these different items as to what was paid.

Q. Where is that special account?—A. I haven't any; I only kept a slip.

Q. Where is that slip?—A. That is gone long ago.

Q. Did you destroy it?—A. Yes.

Q. When was it destroyed?—A. After I filed my account.

Q. After you filed your account?—A. Yes, sir.

Q. Then you figured from these slips \$2,393 as having been paid for special watchers?—A. Yes, sir.

Q. And although you hadn't the receipts for the \$2,393, you destroyed the slips from which you made that calculation?—A. Yes, sir.

Q. Those slips would disclose to whom the money was paid, to the amount of \$2,393, would they?—A. No.

Q. What would they disclose?—A. They wouldn't disclose all that. I didn't keep any book account.

Q. You told us that you kept slips containing different amounts you paid to different parties?—A. No; I kept account and noted what I paid out under these different heads.

Q. And you destroyed them?—A. Yes.

Q. What did these notes contain; what was the usual entry on them?—A. They kept account of the names and the amounts.

- Q. Young man by the name of Davis?—A. Yes, sir.
Q. What did you give him—cash or check?—A. Cash.
Q. How much did you give Davis?—A. I think \$20.
Q. Who else for the third and sixth wards?—A. I gave a man by the name of Jonathan R. Jones \$10.
Q. Who else?—A. That is all I recall.
Q. Is that all the money that you paid into the third and sixth wards under the guise of special watchers for Mr. Bowman, \$60?—A. I can't tell; I don't recall.
Q. Have you got any way to recall it?—A. If the receipts were here I would.
Q. Jonathan R. Jones, you say?—A. Yes.
Q. And how much did you give him?—A. \$10.
Q. What district does he live in?—A. He is in the sixth ward.
Q. The sixth ward—what district?—A. I think in the middle district.
Q. What was he on the election board?—A. I didn't know that he was on the election board.
Q. You didn't know that he was an inspector, then?—A. No, sir.
Q. He didn't tell you that?—A. No.
Q. Who is the next you got?—A. F. J. McCanna, Pittston.
Q. How much did you give him?—A. \$100.
Q. How long did you know F. J. McCanna?—A. I have known him for three or four years.
Q. You knew that he was a Democrat?—A. Yes, sir.
Q. What did you give him that money for?—A. For the employment of special watchers.
Q. You gave him \$100 to purchase the services of special watchers for Mr. Bowman, did you?—A. Yes, sir.
Q. You knew that he had the reputation of being a boodler and getting boodle, didn't you?—A. No, sir; I didn't.
Q. Didn't you know, don't you know, and do you not admit that in the election—the county election for prothonotary and district attorney—that he supported the Republican candidate for prothonotary, and that his brother-in-law is now a clerk in the prothonotary's office?—A. No, sir.
Q. You don't know that—because of his services to the prothonotary; is that right?—A. What do you mean?
Q. You never heard that on account of his services to the present prothonotary—the Republican prothonotary—that he secured a position for his brother-in-law in the prothonotary's office?—A. I had no such knowledge.
Q. And do you mean to say that you never heard of it?—A. No, sir; I didn't.
Q. And you never heard that he was a common boodler?—A. No, sir.
Q. You never heard that he was a man looking for money at every election from all parties?—A. No, sir.
Q. How did you come to give him the enormous sum of \$100?—A. Mr. McCanna did work for Mr. Bowman in the primaries, and at that time he received \$100 or \$150, and he did satisfactory work at that time that I gave him \$100 for the employment of special watchers in Pittston city on election day.
Q. Did you give him anything for his own services?—A. No.
Q. Then you want it to go on record here that you had no idea of McCanna retaining any of that \$100 for his own services?—A. I had no knowledge of it.
Q. But you did pay him \$150; you paid a Democrat \$150 for assisting Mr. Bowman in the primaries?—A. Yes.
Q. So that he got out of Mr. Bowman \$250, this Democrat?—A. Yes.
Q. Was there any Republican in the county that got \$250 from Mr. Bowman outside of McCanna? Was there any individual who received that much in his individual capacity, was there?—A. I will look over my accounts and find out.
Q. Can you tell us now?—A. No.
Q. You can't recollect?—A. I can't recollect just at the moment.
Q. Was McCanna a resident of Luzerne County?—A. I don't know.
Q. Do you say that you don't know that he lives, not in Luzerne County, but in Wyoming County, and that he did live there when you did pay him this amount, and did not live in Luzerne County—this man to whom you paid \$100 to secure watchers?—A. He always lived in Pittston to my knowledge.
Q. You swear that he was living in Pittston when you paid him that money?—A. I don't know; I assumed that he did.
Q. Mr. Bowman lives in Pittston?—A. Yes.

Q. Mr. Bowman knew that you paid him \$100?—A. Yes.

Q. Did you or Mr. Bowman talk to him before he came to you?—A. I don't recall that I did.

Q. Now, Mr. Davis, you say you paid one man \$100?—A. Yes.

Q. Without saying a word to him, your principal?—A. Yes; I don't recall that we had any conversation about it.

Q. About McCanna? Didn't you discuss the situation in Pittston with him about his home town?—A. I wasn't in Pittston.

Q. But didn't you discuss the situation in Pittston—the political situation with him—in his home town?—A. Yes, surely.

Q. And didn't you go over with him the names of the men whom you thought would be of service to him on election day?—A. Yes.

Q. Wasn't the name of McCanna among them?—A. Yes.

Q. Standing out first and foremost?—A. I don't recall any conversation.

Q. Did you say what you were paying him?—A. I don't recall any conversation.

Q. You knew you would have to pay him something?—A. I didn't know that.

Q. Although you had paid him \$150 for the primaries, you didn't expect that you would have to pay him for the general election?—A. I didn't think about it at all.

Q. And you didn't make any reference to it in your talks with Mr. Bowman?—A. I may have; I don't recall; it would have been a very natural thing to have done so.

Q. A very natural thing, and you did the natural thing.—A. Very likely.

Q. Go on with the next.—A. George H. Butler.

Q. How much did you give to the eminent publicist and patriot, George H. Butler?—A. There is a check here for \$30 on November 4.

Q. On November 4 you gave George H. Butler \$30.—A. Yes.

Q. He is a lawyer here, or says that he is.—A. Yes, sir.

Q. Did you give him any more?—A. Yes; I think that he got more than that, but I don't know whether I have it on a check or not.

Q. I thought so.—A. He must have got the other in cash; I think that I paid him \$10 in cash.

Q. How much did you pay him in cash?—A. \$10, I think, and this \$30 check.

Q. That was on November 4?—A. Yes.

Q. A \$30 check. When did you give him the \$10 in cash?—A. I think that it was a day or two afterwards.

Q. A day or two before election?—A. Yes.

Q. How did you come to give him that?—A. I gave it to him for the same purpose, the same purpose that I paid everybody else in the same line.

Q. How did you come to give him that?—A. What do you mean?

Q. You had given him a \$30 check?—A. He came back and wanted \$10 more.

Q. He said that \$30 was not enough, and he wanted \$10 more?—A. Yes, sir.

Q. And then you gave him the \$10?—A. Yes.

Q. And you took his receipt, did you?—A. Yes.

Q. Go on to the next, the next check. Tell me where that \$30 was to be used by Mr. Butler, Mr. Davis.—A. In Dorranceton.

Q. And in no other place than Dorranceton?—A. That is all.

Q. Who else did you give money to in Dorranceton?—A. In Dorranceton?

Q. Yes; for uplifting the Republican vote?—A. I don't recall anybody else.

Q. You don't recall anyone else except Lawyer Butler? Well, try to recollect these men, because we want to find out who the gentlemen were who were devoting their services to the cause of Republican institutions. Who else?—A. James H. Evans.

Q. Where does he live?—A. Forty Fort.

Q. How much did you give him?—A. \$15.

Q. Who else did you give money to in Forty Fort?—A. That is all in Forty Fort.

Q. Cash or check to no one else in Forty Fort? A. I don't recall anyone else.

Q. Go on with the next.—A. W. L. Higgs.

Q. That has a kind of a familiar sound, that name. How much did you give him?—A. \$40.

Q. He is alive, is he, after getting \$40?—A. Very much alive.

Q. What ward?—A. I didn't specify any ward with Mr. Higgs.

Q. You gave him a roving commission?—A. Yes, sir; for the city of Wilkes-Barre.

Q. You didn't say to him that he should procure watchers for any certain wards, did you?—A. Yes; I specified the tenth and eleventh wards.

Q. How much was he to pay in the tenth ward? How much was he to pay in those wards?—A. I didn't designate how much.

Q. Did you designate how many watchers he was to get?—A. No, sir.

Q. Now in all these districts for which you say you paid money for special watchers, there were regular watchers of the party, were there not?—A. Yes.

Q. Men that were paid for that purpose?—A. Yes, sir.

Q. And these men were procured, the men that you say you gave money to for special watchers, they were procured specially in the interest of Mr. Bowman?—A. For Mr. Bowman.

Q. Go on with the next.—A. Lawrence Cosgrove.

Q. That is in Duryea?—A. Yes.

Q. How much did you give him?—A. \$150.

Q. He professes to be a Democrat, doesn't he?—A. That is the first that I have heard of it.

Q. You say you never heard that he professes to be a Democrat?—A. No.

Q. Didn't you ever hear that he was a delegate to the Democratic county conventions: did you?—A. No, sir, I didn't know what his politics were.

Q. What is his business up in Duryea?—A. I don't know that.

Q. Do you mean to say that you don't know that he is chief of police of Duryea?—A. I have heard that he was.

Q. I am asking you. Most of what we know is what we hear.—A. I don't know the man, really.

Q. You don't know him?—A. I know who he is; I have seen him, but I don't know anything about him.

Q. To whom did you give the check?—A. To Lawrence Cosgrove.

Q. When?—A. November 4, 1910.

Q. Did you give it to him yourself?—A. No, sir; it was mailed to him.

Q. Had you ever seen Mr. Cosgrove before that?—A. In the political campaign?

Q. In anything?—A. Yes.

Q. Because I understood you didn't know him?—A. Yes, sir; I have seen him.

Q. Where had you seen him before you had send him this check?—A. I think that I had seen him around the courthouse.

Q. Did you talk to him?—A. I said "How do you do?" to him.

Q. Is that the only conversation you ever held with him?—A. Yes, I think that is the only conversation I had.

Q. Who mentioned or urged the avilability of sending him a check for \$150?—A. Mr. Bowman.

Q. What did Mr. Bowman say to you?—A. Mr. Bowman telephoned to me, I think, to send Mr. Cosgrove a check for \$150.

Q. Mr. Bowman telephoned to you to send Mr. Cosgrove a check for \$150. Did he tell you what his first name was?—A. He must have.

Q. Do you recall that he did? Did he tell you what his first name was?—A. Yes.

Q. What did he say it was?—A. Lawrence Cosgrove.

Q. Did you address a letter to him, to Lawrence Cosgrove, chief of police, Duryea?—A. I don't remember whether I did or not.

Q. If you did, you knew that he was chief of police.—A. I got his address at that time.

Q. If you did, you knew that he was chief of police.—A. I got his address at that time.

Q. Mr. Davis, will you please answer my question?—A. Yes.

Q. Will you say, Mr. Davis, that you didn't address it to him as chief of police at Duryea?—A. I don't recall how I addressed it.

Q. Then what do you mean by saying, when I asked you if he was the chief of police, that you didn't know whether he was or not?—A. I didn't know. I don't know now whether he is or not.

Q. If the letter shows, sir, that you addressed him as chief of police, you did know.—A. I got the information when I sent it—the address.

Q. If the letter showed that you addressed the letter to Lawrence Cosgrove, chief of police, Duryea, Pa., then you did know that he was the chief of police, didn't you?—A. I was told that; yes, sir.

Q. Did you have any negotiations with anyone else besides Mr. Bowman whereby you were to send Cosgrove money?—A. No.

Q. He was the only one suggested it to you?—A. He was the only one.

Q. How long after he suggested it to you did you send it to him?—A. I mailed it the same day.

Q. Did he advise you there the amount that you were to send him?—A. Yes.

Q. Go on to the next Democrat or Republican. The Democrats seemed to have fared better than the Republican boodlers in this case. The poor Republican only got \$20, or maybe \$30. Give me the next, Mr. Davis.—A. Cyrus Weiss.

Q. How much did you give him?—A. \$225.

Q. He was not a regular Republican?—A. Yes; he is heretofore. He is a Republican.

Q. Since when?—A. He has always been.

Q. Ask Tommy Heffernan about that. He lives in the tenth ward, too, don't he?—A. No; I don't know where he lives.

Q. Don't he live in the same ward that Higgs does?—A. I don't think so. I thought he lived on Barney Street.

Mr. JONES. He lives in the twelfth ward; River Street.

Q. He lives in the fourteenth ward—I mean the twelfth ward; isn't that it; and Higgs lives in the tenth ward?—A. Yes.

Q. Go on with the next. This \$225 that you gave Mr. Weiss was for the employment of special watchers, too, was it?—A. Yes.

Q. How long have you known Weiss?—A. Twenty years.

Q. How long have you known him politically?—A. Ten years.

Q. How long have you known that in almost every campaign he is the man who comes and gets money; don't you?—A. Yes, sir.

Q. You never heard of his getting money in any campaign until you paid it to him?—A. No; I never heard of it before.

Q. I am asking that. You have heard of it before, have you not—during how many campaigns?—A. I couldn't tell you.

Q. So many that you can't recall; is that it?—A. I don't know; I can't recall.

Q. Almost every campaign since you have been connected with politics you have heard, have you not, of his being a man looking for money?—A. No; I wouldn't say that.

Q. You know that he is a man habitually looking for money in politics?—A. No; I don't.

Q. You never heard of it?—A. No; not in that respect.

Q. In what respect?—A. Habitually.

Q. Then you have heard that he looks for money in politics, but you have not heard that he looks for it habitually?—A. I didn't say so; I haven't heard of his looking for money.

Q. Do you swear that you have not testified here that you heard of his looking for and getting money previous to this campaign?—A. No.

Q. Then you never heard of his getting or looking for money previous to this campaign of 1910; is that right?—A. I can't state any specific time.

Q. Were you chairman of the Republican county committee in the judicial fight, in which Judge Fuller and Mr. Hines were running against each other?—A. Yes.

Q. Did you have any dealings with Mr. Weiss, then? Didn't you pay him money in that campaign?—A. I couldn't swear to it.

Q. Will you swear that you did not?—A. No; I won't.

Q. You brush up your recollection; I am going to ask you about that the next time and I want to know the exact amount that you paid him. Where was the \$225 that you gave to Cyrus Weiss to be used, and for what?—A. The employment of extra watchers.

Q. Where?—A. In the city of Wilkes-Barre.

Q. Did you so tell him?—A. Yes, sir.

Q. You gave him that personally, did you?—A. Yes.

Q. Where did you give it to him; in your office?—A. Yes.

Q. Did he come for it?—A. Yes.

Q. Did you send for him?—A. Yes, sir.

Q. You sent for him?—A. I telephoned for him.

Q. How long after you telephoned was he on hand?—A. I don't remember.

Q. Well, about how long?—A. I couldn't tell.

Q. Tell us about how long?—A. I wouldn't think of it.

Q. Did he come the same day that you telephoned for him?—A. I am not sure of that.

Q. You don't remember that?—A. No.

Q. Give us the next, now?—A. Charlie Smith.

Q. How much did you give him?—A. \$30.

Q. Where does he live?—A. In Pittston.

Q. That is the home of Mr. Bowman.—A. Yes, sir.

Q. Go on with the next. Where was that to be used?—A. In Pittston.

Q. That is Mr. Bowman's home?—A. Yes, sir.

Q. Mr. Smith is an officeholder in this county—he is the register of wills?—A. Yes.

Q. Go on with the next.—A. That is all I got in it—in the check book.

Q. Those are the only checks that you issued, then, for political purposes to anyone, are they?—A. Yes.

Q. And the rest you paid in cash?—A. Excepting the district chairman, they are in there.

Q. I am not asking you about the district chairman. We are now confining the testimony to the money you say you paid out for special watchers?—A. Yes.

Q. All the other moneys were paid out in cash?—A. Yes.

Q. And you have got receipts to show that you paid each one?—A. Yes.

Q. Have you those with you?—A. They are filed in court.

(Witness shown bundle of papers.)

Q. Now, look at these and give me the names of the men to whom you paid money other than by check, as you have read them off here. How much you paid, where they lived, and what their business was, and in the locality the money was to be used.—A. C. A. Marks, Plymouth, Pa., \$25.

Q. Give his business and where the money was to be used. What was his business?—A. At that time he was a clerk in the recorder's office.

Q. And he is now, too?—A. Yes.

Q. And that money was to be used in Plymouth?—A. In Plymouth Township.

Q. Where did he live?—A. In the lower part of Plymouth.

Q. He lived in Plymouth and the money was to be used in Plymouth Township?—A. He told me he was going to use it in Plymouth Township.

Q. In other words, it was to be used by him in a municipality in which he did not live?—A. Yes.

Q. Give me the next.—A. C. W. St. John, Pittston, Pa., \$25.

Q. C. W. St. John is the St. John in the employment of Mr. Bowman as a salesman.—A. Yes.

Q. Did he live in Pittston or in West Pittston?—A. I really don't know.

Q. Where did he live, Mr. Bowman?

Mr. BOWMAN. I think when he was home he stayed with his sister-in-law, who keeps a boarding house in Pittston. Mrs. Davitt. He boards there when he is at home.

Q. But that money was given to him to be used for Pittston City, was it?—A. That is what I understood that it was for.

Q. Go on.—A. John W. Crooks.

Q. Who is he?—A. Hazleton, Pa.

Q. Hazleton City?—A. Yes.

Q. What is his business?—A. He is a clerk.

Q. For whom?—A. In the Lehigh Valley Coal Co.'s office.

Q. He is a clerk for a corporation, a coal corporation down there, isn't he?—A. Yes, sir.

Q. How much did you give him, \$100 or \$150?—A. \$100.

Q. He lived in Hazleton city, did he?—A. Yes, sir.

Q. Where was that money to be used?—A. In the city of Hazleton.

Q. Go on to the next.—A. D. E. Thomas.

Q. Where was he?—A. Wilkes-Barre.

Q. What ward did he live in?—A. I think that he lives in the sixth ward.

Q. How much did you give him?—A. \$42.

Q. Where was that money to be used?—A. No specified place.

Q. Any place it could be used for the most benefit?

Mr. JONES. You asked him at the start to give the purpose of this.

A. For the employment of special watchers.

Mr. LENAHAN. I object to the counsel on the other side interrupting this examination. He will answer my questions while I am examining him.

Mr. JONES. The reason for the interruption of counsel was because Mr. Lenahan, in first question to the witness, asked him to give him the name of each man to whom he paid money in this campaign other than shown by his checks, which he has already given, and to give with each man's name the amount of money and the purpose it was to be used for and the place where the man lived, his occupation, and the purpose for which the money was to be used, and he now cuts this witness off before he has answered each question in full.

(The question was then read to the witness, which was as follows:)

Q. Give the names of the men to whom you paid money other than by checks, as you have read them off here. How much you paid each, where they live, what their business was, and in what locality the money was to be used.

Mr. LENAHAN. To which I say that was not the question that I put to the witness at all. I asked him nothing about the purpose. We in Luzerne County know what the purpose was.

Q. Give us the next man.—A. J. D. Cooper, Plymouth, Pa.

Q. How much did you pay him?—A. \$200.

Q. What does Mr. Cooper do?—A. For the employment of special watchers in Plymouth Borough.

Q. What does he do?—A. He is a contractor.

Q. What kind of a contractor besides a political contractor?—A. He is a builder.

Q. Is he a general contractor, or does he work for any special parties?—A. He is a general contractor.

Q. In Plymouth? Now, how much did you pay him?—A. I paid him \$200.

Q. Where was he to use that money?—A. In Plymouth Borough.

Q. Did he live in the borough of Plymouth?—A. Yes.

Q. You know him, do you?—A. Yes, sir.

Q. Go on to the next.—A. William A. Wallace, Wilkes-Barre, Pa.

Q. How much did he get?—A. He got \$60.

Q. What does William A. Wallace do?—A. Superintendent of a coal mine.

Q. Of the Lehigh Valley Coal Co.?—A. Yes.

Q. He lives in Wilkes-Barre, does he?—A. He lives in the lower end of South Main Street.

Q. He has charge of the workings of the Lehigh Valley Coal Co. in and around Wilkes-Barre and south of Wilkes-Barre city down as far as Warrior Run?—A. Yes; up as far as Parsons.

Q. You paid this superintendent of the Lehigh Valley Coal Co. \$60, you say, to employ special watchers?—A. Yes.

Q. How long has he lived in Wilkes-Barre?—A. I don't know.

Q. You know that he has only come here lately, don't you?—A. No.

Q. Didn't he live over the river before he came here?—A. I don't know.

Q. You don't know how long he has been here?—A. No.

Q. Did he come to you for money?—A. No.

Q. Did you send it to him?—A. No; I took it to him.

Q. You brought it to him?—A. Yes.

Q. Did you and he have any talk about the money before you brought it to him?—A. I think that we did.

Q. Where?—A. I don't recall where.

Q. What was the talk you had with him?—A. It was with reference to the employment of some special watchers for election day.

Q. Had you ever had anything to do with him in politics before?—A. No.

Q. You gave him that money because he was superintendent of the Lehigh Valley Coal Co., didn't you?—A. Not especially for that reason.

Q. It was one of the reasons that moved you, wasn't it?—A. No; I wouldn't say that.

Q. You don't know what his interest was in politics up to that time?—A. I was informed that he could help us out.

Q. You knew that he could help you out in his business as superintendent of the mines; he could help you out if he wanted to; you knew that, didn't you?—A. Yes.

Q. And that was one of the reasons that moved you to give him \$60, because he was superintendent of the mines, wasn't it?—A. Yes.

Q. Certainly. Why didn't you say that before? Go on to the next.—A. Michael Martin.

Q. How much?—A. \$35.

Q. Where does he live?—A. This is Kingston Township; for the employment of special watchers in Kingston Township.

Q. What district of the township?—A. No special district; just Kingston Township.

Q. What does he do?—A. I don't know.

Q. Do you know him at all?—A. No; I do not.

Q. How did you come to give him the money? You are easy. How did you come to give \$35 to a man you didn't know?—A. There was somebody brought him to me.

- Q. Who was the man?—A. I don't remember who.
- Q. Did you inquire as to his politics?—A. No; the man who brought him to me vouched for him.
- Q. Can't you give us who that man was?—A. No; I don't recall that.
- Q. Where did you bring him—to your office?—A. Yes.
- Q. And you paid him in cash?—A. Yes.
- Q. You knew nothing about Martin, and you don't know now the name of the man who vouched for him, and you knew nothing about Martin's politics, and you wouldn't be surprised to learn that he was a Democrat, would you?—A. I am not surprised at anything.
- Q. I say you would not be surprised if you knew that he was a Democrat?—A. No.
- Q. Well, who is the next?—A. Joe L. Davis.
- Q. How much did you give him?—A. I gave him \$10.
- Q. Where does he live?—A. Scotch Hill.
- Q. That is in Kingston Township?—A. Pringle Township.
- Q. But it used to be a part of Kingston Township?—A. Yes.
- Q. When did you pay him?—A. November 1.
- Q. What is his occupation?—A. He is a miner.
- Q. Go on with the next?—A. William Pritchard.
- Q. Where does he live?—A. Hanover Township.
- Q. How much did you give him?—A. I gave him \$15.
- Q. When did you give it to him?—A. October 31.
- Q. What does he do; what is his occupation?—A. I don't know what he does.
- Q. Do you know him?—A. Yes, sir; I know him.
- Q. Do you know him well?—A. No; I don't know him very well.
- Q. You don't know his occupation?—A. No.
- Q. Is he a mine boss?—A. No.
- Q. You know that, although you don't know his occupation?—A. I am sure that he is not a mine boss.
- Q. Fire boss?—A. No; not connected with the mines at all.
- Q. Who is the next?—A. R. J. Reese, Buck Township.
- Q. How much to him?—A. \$5.
- Q. Go on to the next?—A. Herman Smith.
- Q. How much?—A. \$30.
- Q. Where?—A. In the first and sixteenth wards of the city of Wilkes-Barre.
- Q. What does Herman do?—A. He is a foreman.
- Q. A mine foreman?—A. A mine foreman.
- Q. Go on.—A. Here is one—
Mr. JONES. How much did you give Smith?
- A. \$30.
- Q. Go on.—A. I don't know who this is [indicating].
- Q. You had so much money to give away you can't give us the names?—A. George H. Jones.
- Q. How much did you give him?—A. \$10.
- Q. Is that "Grif" or "George"?—A. Maybe it is "Grif"; I don't know.
- Q. Where is he from?—A. Wilkes-Barre.
- Q. Wilkes-Barre city?—A. It looks so; it just says here Wilkes-Barre.
- Q. Was it for Wilkes-Barre?—A. I don't know.
- Q. Do you know that man?—A. I don't.
- Q. Did you ever see him before giving him this money?—A. I can't recall anything about it.
- Q. You don't recollect anything except that you gave him \$10?—A. There is a receipt here for \$10.
- Q. Who is the next man?—A. Edward T. Williams, Wilkes-Barre.
- Q. How much?—A. \$5 for a watcher in the thirteenth ward.
- Q. Who is the next—Samuel Griffith?—A. Yes; Samuel Griffith.
- Q. How much did you give him?—A. \$40 for the employment of special watchers at Ashley.
- Q. What does Samuel Griffith do?—A. He is a mine foreman.
- Q. For one of the coal companies?—A. Yes.
- Q. Go on to the next.—A. Frank J. Monahan; \$5 to serve as a special watcher in the first ward of Ashley.
- Q. You gave him \$5 to act as watcher?—A. Yes.
- Q. Who is the next?—A. Richard Pritchard, Sugar Notch.
- Q. How much did you give him?—A. \$10.
- Q. What for?—A. Special watcher.

- Q. You gave him \$10 to act as special watcher?—A. Yes.
 Q. And you gave the man preceding him \$5 to act as special watcher?—
 A. Yes.
 Q. They living in adjoining municipalities?—A. No; Hanover is in between them.
 Q. Who is the next?—A. Enoch Thomas, Warrior Run.
 Q. How much did you give him?—A. \$5.
 Q. Special watcher? Go on with the next.—A. Evan Challis, paid him by check.
 Q. You paid him check November 4, 1910?—A. Yes; and there is the receipt.
 Q. Where does Evan Challis live?—A. On Brewery Hill.
 Q. In the third ward?—A. Yes.
 Q. Where was that money to be used?—A. On Brewery Hill.
 Q. What ward?—A. In the third and sixth wards.
 Q. Go on to the next.—A. T. M. Kelly.
 Q. How much did he get?—A. \$25.
 Q. Where does he live?—A. Westmoor.
 Q. Where was that to be used?—A. Westmoor and Dorranceton.
 Q. Do you know him?—A. Yes.
 Q. What does he do?—A. He is a tipstave.
 Q. He is a Democrat, isn't he?—A. Not that I know of.
 Q. You don't know what his politics are?—A. Republican.
 Q. T. M. Kelly is a Republican?—A. Yes.
 Q. Did you ever know of his being a delegate to Democratic county conventions?—A. No, sir.
 Q. Who is next?—A. George W. Walker, Wilkes-Barre.
 Q. How much did you give him?—A. \$5.
 Q. Go on with the next.—A. Robert Johnston, of Plains.
 Q. How much did you pay him?—A. \$75.
 Q. I will bet he is a mine boss. What is his business?—A. Mine boss.
 Q. For whom?—A. The Lehigh Valley.
 Q. The Lehigh Valley Coal Co., is that right?—A. Yes, sir; and Hiram Smith, \$15.
 Q. He is a mine boss.—A. Yes.
 Q. For the Lehigh Valley Coal Co.?—A. Yes.
 Mr. JONES. At the time that you read the other receipt to Smith on the record, it read "Herman."
 Mr. LENAHAN. This is another man.
 Mr. JONES. No; it is the same man.
 Q. Where was it to be used?—A. In the first ward of the city of Wilkes-Barre.
 Q. Where was Johnson to use his \$75?—A. Plains Township.
 Q. Does he live in Plains?—A. Yes; and James C. Wallace, \$25.
 Q. Who is he?—A. He lives in Dorranceton.
 Q. What does he do?—A. He is a mine foreman.
 Q. For what company?—A. The Lehigh Valley.
 Q. What relation is he to the other Wallace that you gave some to?—A. I think they are cousins.
 Q. Go on to the next.—A. William J. Jones.
 Q. How much?—A. \$10.
 Q. What does he do?—A. He is a clerk.
 Q. Where?—A. In Plymouth.
 Q. For whom?—A. For his father.
 Q. What kind of business?—A. Grocery business.
 Q. Where was that money to be used?—A. In the fourth ward of the borough of Plymouth; Robert Oliver.
 Q. How much?—A. \$5.
 Q. Go on to the next.—A. George Williams—George W. Williams.
 Q. Where does he live?—A. Courtdale.
 Q. In the borough of Courtdale?—A. Yes.
 Q. What is his business?—A. He is a laborer; no, a reporter.
 Q. On what paper, the News?—A. The News.
 Q. Go on to the next.—A. Frank Shipones, Wilkes-Barre; that is, Wilkes-Barre Township.
 Q. How much?—A. \$5.
 Q. Go on to the next.—A. Jonathan R. Jones, \$10.
 Q. Where does he live?—A. Wilkes-Barre.

- Q. What ward?—A. In the sixth ward.
 Q. Where was this money to be used?—A. There in that ward.
 Q. Who is next?—A. A. J. Widener.
 Q. How much?—A. \$10.
 Q. What ward?—A. The fifteenth.
 Q. In the city of Wilkes-Barre?—A. City of Wilkes-Barre.
 Q. Go on to the next.—A. D. L. Johns, sixth ward.
 Q. Sixth ward of Wilkes-Barre City?—A. Yes.
 Q. How much?—A. \$5.
 Q. Go on to the next.—A. F. E. Williams.
 Q. How much?—A. \$150.
 Q. What is he?—A. Undertaker.
 Q. Where?—A. Nanticoke.
 Q. When did you give him that \$150?—A. November 5.
 Q. How many watchers was he to get for that?—A. I gave him that money to take to a gentleman in Plymouth.
 Q. Who was the gentleman?—A. Lewis.
 Q. Who is Lewis?—A. He was candidate at the primaries for State senator. I sent that down to Mr. Lewis to place in Plymouth Township to employ special watchers.
 Q. Then you gave it to Mr. Williams to give to Lewis?—A. Yes.
 Q. You gave him the cash?—A. Yes.
 Q. Did you give him any written instructions as to what Williams was to do with it?—A. I gave him no instructions.
 Q. Did you give him any verbal instructions?—A. Yes.
 Q. What were they?—A. That he take the money down to Lewis.
 Q. What was Lewis's business?—A. He has been in the saloon business.
 Q. What was his business when he was a candidate for State senator?—A. Saloon business.
 Q. He ran on the Republican ticket at the primaries for senator?—A. Yes.
 Q. And he was beaten?—A. Yes, sir.
 Q. And he was very sore, wasn't he?—A. Yes.
 Q. And he threatened to run-stump, didn't he, and cripple the regular Republican nominee for Senator in that district?—A. I don't know; he may have threatened to do so.
 Q. Do you mean to say that you didn't read of that in the papers?—A. I don't recall it.
 Q. As chairman of the Republican county ticket, directly interested in the senatorial race, you say you saw nothing in any of the newspapers that Lewis was considering running-stump?—A. I don't remember that.
 Q. You don't remember that?—A. No.
 Q. And you read nothing about it?—A. I don't recall anything about it.
 Q. Do you say that was to be used in Plymouth-Township?—A. No.
 Q. Did he live in Plymouth Township?—A. No.
 Q. Did he live in the borough of Plymouth?—A. Yes.
 Q. What particular parts of the township was that to be used in?—A. No particular parts were specified.
 Q. The whole township, wherever the judgment of Lewis might dictate that he might use it?—A. Yes.
 Q. Go on to the next.—A. John T. Williams.
 Q. How much?—A. \$60.
 Q. Where?—A. Employment of special watchers in the second legislative district.
 Q. Where is that?—A. That takes in Wilkes-Barre Township.
 Q. Where does Williams live?—A. I don't know.
 Q. Do you know him?—A. No.
 Q. What does he do?—A. I don't know.
 Q. How did you come to pay him \$60—to a man you didn't know?—A. There was a gentleman brought him and vouched for him.
 Q. Who was that gentleman?—A. I don't know who he was.
 Q. You don't know that, either. Did you ask Mr. Williams what he did?—A. Yes; he said that he was a miner.
 Q. Mr. Williams told you that he was a miner? Did he tell you or did you tell him what particular part of the district it was to be used in?—A. In Wilkes-Barre Township.
 Q. Wilkes-Barre Township alone?—A. Yes.
 Q. Go on to the next.—A. C. B. Williams.

- Q. How much?—A. \$15.
 Q. Where?—A. This man, Williams, lives at Kingston.
 Q. In the borough of Kingston?—A. In Kingston Borough. He recently moved from Salem Township and he went down to Salem Township with that \$15 to employ some special watchers and electioneer.
 Q. You gave him \$15 to go to Salem Township to employ special watchers?—A. Yes.
 Q. Did you pay him anything for his expenses of travel?—A. No.
 Q. Was it understood that he was to be paid anything for that?—A. No.
 Q. There is considerable distance between from here to where he lived in Salem Township?—A. Yes.
 Q. Go on to the next.—A. D. W. Thomas.
 Q. How much?—A. \$30.
 Q. Where?—A. The city of Wilkes-Barre, ninth ward.
 Q. What does he do?—A. He is a shoe dealer.
 Q. In the city of Wilkes-Barre?—A. Yes.
 Q. Go on.—A. R. T. Edwards.
 Q. How much?—A. \$10.
 Q. What ward?—A. The ninth ward.
 Q. What is his business?—A. He is a constable.
 Q. Who is next?—A. Lewis A. Arnold.
 Q. How much?—A. \$5.
 Q. What ward?—A. The fifth ward.
 Q. Go on.—A. Daniel Davis.
 Q. How much?—A. \$5.
 Q. What ward?—A. Hanover Township.
 Q. Who is the next?—A. I don't know who that is. I can't recall anything about that receipt. Adam Koven.
 Q. How much was that?—A. \$25.
 Q. What was it for?—A. For the employment of special watchers.
 Q. Where?—A. It doesn't say.
 Q. You gave him \$25, but you can't tell where the watchers are to be employed?—A. No, sir.
 Q. And you don't know the man's name?—A. No.
 Q. All you know is that you gave a man \$25, not known to you, and what he was to do with this money you don't know, either?—A. I know that it was for the employment of special watchers.
 Q. Generally; but particularly, you don't know?—A. No.
 Q. Who is the next?—A. John R. Williams.
 Q. How much?—A. \$75.
 Q. Who is he?—A. He is a police officer in Edwardeville.
 Q. He is chief of police there?—A. Yes.
 Q. Where was that money to be used?—A. In Larksville and Edwardeville; it doesn't say here; special watchers.
 Q. Go on to the next.—A. G. T. Eckert. Wilkes-Barre.
 Q. How much?—A. \$5.
 Q. What ward?—A. The fourteenth—Patrick Kelly.
 Q. What ward?—A. Thirteenth ward, city of Wilkes-Barre.
 Q. Who is the next?—A. W. J. Williams, \$10.
 Q. Where?—A. Second ward, Kingston Borough.
 Q. Go on with the next.—A. Myron Strickland.
 Q. How much?—A. \$10.
 Q. Where?—A. The first ward of Kingston Borough.
 Q. Go on to the next.—A. A. C. James.
 Q. How much?—A. \$10.
 Q. Where?—A. He employed one watcher in the fourteenth ward and one in the ninth ward.
 Q. Who were they he employed?—A. I don't know.
 Q. How do you know that he employed them?—A. My receipt says that is what it was for.
 Q. That is the only way that you knew about it?—A. Yes, sir.
 Q. Go on to the next.—A. That is the receipt of McCanna.
 Q. When did McCanna give you this receipt? November 3, was it?—A. I don't know when he gave it to me; this is with reference to this check. He gave it to me the same day that I gave him the check.
 Q. He gave it to you the same day that you gave him the check?—A. Yes; I gave him the check and I wrote out the receipt and he signed it.

- Q. He came down and got the check and the receipt was signed by him?—
 A. No; he didn't; I sent it to him.
 Q. Who is the next?—A. Frank Starbird.
 Q. How much did you give him?—A. \$5.
 Q. Where was Mr. Starbird?—A. In Kingston.
 Q. Where was Mr. Starbird—I mean in what ward?—A. The first ward.
 Q. Go on to the next.—A. Thomas Kennedy.
 Q. How much?—A. \$80.
 Q. Where?—A. Edwardsville.
 Q. What does he do?—A. I don't know what he does.
 Q. Do you know him?—A. I know him.
 Q. How long have you known him?—A. For years.
 Q. Have you known him to talk to him?—A. No, sir.
 Q. Do you know anything about his political affiliations?—A. No, sir.
 Q. You don't know that he is a Democrat, do you?—A. No.
 Q. And you didn't know when you gave him that money that he was a professed Democrat?—A. No.
 Q. You hadn't heard that he was a Democrat?—A. No.
 Q. Didn't you give him that money in your office?—A. Yes.
 Q. Who was there when you gave it to him?—A. I don't recall.
 Q. How did you come to give it to him if you didn't know him?—A. I don't remember the circumstances.
 Q. Then you don't know whether anyone was with him or not?—A. No.
 Q. So far as you know you give this \$80 to a man you didn't know; is that right?—A. Yes.
 Q. Is it not a fact that this man Kennedy is an assistant chief of police in Edwardsville; assistant to the man Williams that you gave the \$75 to?—A. I have been told that he was.
 Q. You knew that when you gave him the money, didn't you?—A. I don't know that I did.
 Q. Then you gave to the chief of police and to the assistant chief of police of the Borough of Edwardsville, \$155, did you not?—A. Yes.
 Q. Go on.—A. John Thompson.
 Q. How much?—A. \$50.
 Q. Who is he?—A. I don't know.
 Q. Where is he from?—A. I don't know.
 Q. Did you ever see him?—A. I don't know a thing about that.
 Q. You don't remember a thing about that?—A. No.
 Q. Then, as far as you know, you gave a man you don't know anything about \$50?—A. Yes.
 Q. And whether he lives in Luzerne or Lackawanna County you don't know?—A. I am quite sure that he lives in Luzerne.
 Q. Whether or not his real name was Thompson or not, you don't know?—
 A. I don't recall the circumstances.
 Q. Go on to the next.—A. W. L. McCullom, \$25.
 Q. For what ward?—A. The sixteenth.
 Q. In the city of Wilkes-Barre?—A. Yes; there is Gallagher.
 Q. Have you any more there?—A. Yes, sir; Michael Gallagher.
 Q. Who was he?—A. That went up to the east end.
 Q. I asked you who he was.—A. I don't know.
 Q. Did you ever see him?—A. I believe I did.
 Q. Where?—A. In the office.
 Q. Would you know him if you saw him now?—A. Yes.
 Q. How long have you known him?—A. I never did know him.
 Q. All you know about him is that some one came into your office and said that he was Michael Gallagher?—A. Yes.
 Q. And asked for \$20 and you give it to him?—A. Yes.
 Q. Did you know his political affiliations?—A. No; I didn't ask him.
 Q. You said nothing about that; is that right?—A. I don't think that I did—what party he belonged to.
 Q. Is that all that you have got there now?—A. Yes.
 Q. Where are those other receipts that you filed since? This William L. McCullom that you gave the \$25 to is an employee of the Wilkes-Barre Record?—A. Yes; I think so.
 Q. Do these receipts embrace those that you filed after the contest?—A. Yes.
 Q. You filed receipts in court after this contest was begun, did you not?—
 A. Yes.
 Q. Additional receipts?—A. Yes.

- Q. Where are those receipts? Are they here?—A. I don't know where they are.
 Q. Do you know the ones that you filed afterwards?—A. Yes.
 Q. Do you know Mr. George Wagner?—A. Yes.
 Q. We will ask him. Have you figured up how much these receipts are?—
 A. No; I have not.
 Q. These amounts that you have read off here, have you figured up how much they amount to in the aggregate?—A. No; I have not.
 Q. Have you put in the aggregate?—A. No; I have not.
 Q. You figure that up, we will want to investigate that at the next hearing.—
 A. All right.

GEORGE WAGNER, called on behalf of the contestant and duly sworn by Mr. Turner.

Examination by Mr. JENKINS:

- Q. Mr. Wagner, where do you live?—A. In Wilkes-Barre.
 Q. What position do you now hold?—A. Deputy clerk of the courts.
 Q. Have you been subpoenaed to produce the accounts of C. C. Bowman and Jonathan R. Davis filed in the clerk's office of this county?—A. I have.
 Q. Have you brought these accounts?—A. Yes.
 Q. It has appeared in the testimony here that certain vouchers and receipts were filed subsequent to the time of the filing the regular or first account. Can you tell what receipts were thus subsequently filed?—A. Yes.
 Q. I will call your attention to the account and its annexed receipts and ask you to designate the receipts that were filed subsequent to the filing of the account on December 3, 1910.—A. Here is one: "C. C. Bowman, sundry expenses, throughout Hazleton, October 25 and 26, \$8.25." "November 7, 1910, received from C. C. Bowman, \$50 for extra watchers in Avoca. W. H. Hollister." "Pittston, Pa., November 12, 1910, received from C. C. Bowman, check for \$26 for watchers. William P. Jennings." "November 10, 1910, received from C. C. Bowman, \$5 for extra watchers. John Porteous." "Pittston, Pa., November 8, 1910, received from C. C. Bowman, \$10 for extra watchers. A. B. Davenport."

Here is a bill from the Pittston Gazette, dated "September 30, 1910. C. C. Bowman to William J. Peck, Jr. August 31, advertising cards, etc., \$20.38: less personal, \$2.88; making \$17.50."

Here is another one from the Pittston Gazette, dated "November 10. C. C. Bowman to William J. Peck, Jr. Cards and halftones retouched, \$40.85."

Q. When was the preceding one, for \$17.50, marked paid?—A. "October 10, 1910, Pittston Gazette, William J. Peck, publisher, per D."

Q. And when was the one just read, for \$40.85, marked paid?—A. (Reading:) "November 21, 1910, Pittston Gazette, William J. Peck, publisher, per D." "Wilkes-Barre, Pa., November 4, 1910. Received of J. R. Davis, treasurer, \$25 for employment of special watchers election day, November 8, 1910. Alexander Shuzinski." "Pittston, Pa., January 30, 1911. Received on October 10, \$2.10 for tacking up cards for C. C. Bowman. Received October 28, \$2 for tacking up cards for political campaign for C. C. Bowman. William Harris, Pittston, Pa."

Q. What was the date of that receipt?—A. January 30, 1911.

Here is another, dated September, 1910:

SEPTEMBER 30.

S. A. BOGERT, Town Line, Pa.

DEAR SIR: Replying to your letter of the 26th, inclosed please find check for \$15 to cover labor performed in connection with placing posters. Thanking you very much for your kind wishes in connection with the campaign.

Kindly give my best wishes to your wife, Auduland, and Harry.

Yours, truly,

C. C. BOWMAN.

Q. I ask you to read what appears on the other side of the last paper you read.—A. It reads as follows:

TOWN LINE, PA., September 26, 1910.

C. C. BOWMAN.

DEAR SIR: Posters you sent me to post is all up in this section as before as far as they went. I worked three days, at \$5 per day. Total, \$15.

Wishing you success, I remain

Yours, respectfully,

S. A. BOGERT.

Q. When were the receipts which you have now produced and read filed with the clerk of the courts?—A. They were brought in, I think, about three weeks ago, I think it was.

Q. Since this contest was begun as it appeared in the public print?—A. Yes; Mr. Davis came to me and said that he had some receipts, and he asked me if I would put them in, and I said I would put them in, as Mr. McLean had several that he had mislaid, and he had sent them in, and I said you can put those in as far as that is concerned, but I kept them separate from the rest.

Q. Are there any others, except those that you have produced, that were filed by Mr. Davis, except those that he filed with his general account on December 3? Are there any others?—A. There are not.

Q. Were there any other receipts filed by Mr. Bowman subsequent to December 3, other than those you have produced?—A. No; those are all the receipts and records filed.

Cross-examination by Mr. JONES:

Q. Do I understand that you told Mr. Davis that Mr. McLean had filed some receipts after the proper time for filing them had expired?—A. Yes, sir; he came in a couple of days late with a couple of receipts, and he gave them to me and I put them in with the other receipts of his and they are up there.

Mr. JENKINS. How long after December 30 was that?

Mr. MCLEAN. That was after the contest was filed, prior to it, but I knew that I was going to start it.

Mr. JONES. Have you got the date that Mr. McLean filed his additional receipts?

A. No.

Q. Have you got the date when he filed his account?—A. Yes; I have that date. I think it is the same date as this—December 3.

Q. Who filed his account?—A. His brother, Will.

Q. Who brought the subsequent receipts in?—A. George McLean.

Q. Personally?—A. Yes.

Mr. MCLEAN. When?

A. Well, he said he had just been out of the house a day or two then after he had been sick, and he brought these up to the office.

Mr. MCLEAN. January 6, I think it was.

Mr. JONES. I know that he had not filed them between the 3d of December and the 24th of December. He was in Florida.

Mr. MCLEAN. It was after I recovered—when I got home.

Adjourned until 10 a. m. Tuesday, February 28, 1911.

TUESDAY, FEBRUARY 28, 1911.

Hearing reconvened at 10 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq.; John E. Jenkins, Esq., counsel for contestee; A. C. Campbell, Esq.; Arthur L. Turner, Esq., commissioner for contestant; Evan C. Jones, Esq., contestee's counsel; John A. Opp, Esq., commissioner for contestee.

CAPT. JOSEPH F. ROBINSON, called on behalf of the contestant and duly sworn by Commissioner Turner:

Examination by Mr. JENKINS:

Q. Where do you live, Captain?—A. Wyoming, Luzerne County.

Q. What position do you hold?—A. Captain of Troop B, State police.

Q. Did you hold that position on November 8 last?—A. Yes.

Q. Have you been subpoenaed to appear here before this commission and produce the assignment of troops under your command as of the date of November 8 last?—A. Yes, sir.

Q. I ask you whether on that day any of the troops under your command were assigned to any special duty relating to election then being held?—A. Yes, sir.

Q. Are you able to state what assignment of troops under your command was so made?—A. Yes, sir.

Q. Just go on and state on the record what assignments to polling places, if any, were made by you of the troops under your command on the 8th of November last in Luzerne County.—A. I can't make this from memory. I have the

reports here and I will give that. Do you want the names of the different polling places that they were assigned to?

Q. Yes; only in Luzerne County.

Mr. JONES. Have you a record in your office?

A. This is the record here that I have.

Q. Other than from a list showing how the assignments were made?—A. No, the assignments you see—they are made by me; I tell the sergeant, the troop commander tells the sergeant where the men are to be sent and then they make their reports. We have their reports—we have that record, and also the assignment as given by the troop commander to the first sergeant and that is what I am going to give you—the assignments here is the morning report. What we call the report of operations. This is a copy of the report sent to Harrisburg, to our department at headquarters.

Q. By whom was that report made?—A. By the clerk and first sergeant and everything is made by him.

Mr. JENKINS. The report you now produce will indicate what report was made of the work done by your troops upon the previous day, the one you now produce?

A. Yes; for instance, this morning's report will give our operations for the 24 hours ending with the morning's roll call.

Q. Isn't there an existent record, in the nature of an order, assigning the troops to this work? Isn't an order made out this morning which says that certain persons under your command will perform certain duties this day?—A. It is verbal.

Q. And then there is a written report of what they have done the previous day?—A. Yes.

Q. Read the report indicating the assignment and performance of duty on the 8th of November, in so far as it relates to polling places.—A. The men assigned to these polling places were as follows: Sergeant Henigs and Private Remaly, to Newtown; Privates Stiles and Turnow at the fourth ward, Kingston; Privates Shaughnessey and Hildebrand, at Cork Lane; Privates Culver and Gordon, at Breslau; Privates Eastbow and F. Winters, to the second ward at Edwardsville; Privates Grilly and Plummer, at Preston; Privates Lawrence, Ryan, and Pickers, at Brownstown; Privates Clark and Jensen, at Lee Park; Privates Ernst and Masko, at Inkerman; and Privates Oftedahl and R. Winters, at Port Griffith.

Q. Is that all?—A. That is the assignment; yes, sir.

Q. Now I will ask you whether the assignments, the report of the assignments for the date of November 8, 1910, the report of which you have just read, was a series of assignments made pursuant to your order of the morning of November 8?—A. Yes.

Q. And the assignments as indicated by this report of November 9 were actually kept by these troops and officers whose names you have mentioned?—A. Yes.

Q. How long have you been occupying and holding the position which you now occupy as captain?—A. I have been with the present troop three years on the 17th of next month.

Q. You began your duties, then, on March 17, 1908?—A. Yes, here at Wyoming.

Q. And you have been stationed at Wyoming since that time?—A. Yes, sir.

Q. Have you at any time or have the troops under your command at any time since you have been connected with it, been called upon to perform a duty on election day in connection with the elections in Luzerne County similar to the duty performed by your troops on November 8, last?—A. No; not similar. Not this same duty of taking charge of the voting.

Q. Have you or the troopers under your command, at any time prior to November 8, 1910, been in attendance upon elections held in Luzerne County during the holding of such elections?—A. Yes.

Q. They have been?—A. Yes.

Q. Could you give an instance of example of the performance of such duty?—A. I just—no, I can't, not from memory. The duties they have had to perform is when they have been called upon by the sheriff—relating to troubles at the various polling places.

Q. That is, they have, under call from the sheriff, performed the duties of peace officers in connection with elections?—A. Yes.

Q. Was any such call, to perform duties as peace officers, made upon you, as the officer in charge, for the election of November 8, 1910?—A. Yes.

Q. There was?—A. Yes.

Q. Where? In the assignments that you have testified concerning, the assignments made pursuant to such call? Were any of those assignments made pursuant to such a call?—A. No; all these assignments were made previous to the calls.

Q. These assignments that you have testified concerning were assignments to duty made by you for the troopers under your command before any call for police duty was made upon you?—A. Yes, sir.

Q. Did any of these troopers and officers subordinate to yourself, whom you thus assigned for duty, make on November 8, 1910—did any such report to you at the close of the day that there had been any breach of the peace at the polling places which they had manned that day?—A. No, sir.

Q. Did they report any sort of disturbance at any of these election booths and polling places? Did any of them make report of that?—A. No, sir. You see each man in charge at these polling places—for instance, there would be two men assigned to a polling place: when he returns to the barracks he makes out a special report, and here are these reports.

Q. I won't ask you to go into those, but do any of the reports made by the troopers whose assignments you have given us show that there was a disturbance at the polls which they had respectively manned on that day?—A. No; on the contrary they reported everything quiet that day at the various election places, one of the quietest elections ever held in the district.

Q. During the time that you have been in command of the troops at Wyoming, that is, since March 17, 1908, has there been made to you any report previously to the election of November 8, 1910, of disturbances at any of the polling places to which you assigned troops on November 8, 1910?—A. I couldn't say as to that. At every election since I have been here I received a request from the sheriff for officers for election day. At one election I sent 10 to 12 men to the sheriff's office and they were held there subject to call, but I don't recall these.

Q. The only previous assignments made by you were in response to the call of the peace officer of the county of Luzerne, the sheriff?—A. The sheriff, yes; and I sent them over there, and I had nothing to do with them after that. I turned them over to the sheriff.

Q. Heretofore you have testified that heretofore you have made assignments of the troopers under your command only in response to the call from the sheriff when such assignments was in connection with an election.—A. In connection with elections; yes, sir.

Q. Was there such a call from the sheriff of Luzerne County for assignments of the character that you made on November 8, 1910?—A. No, sir; not on these assignments.

Q. The assignments that you have testified concerning of those troopers whose names you have mentioned were assignments made by you without previous call for such service on the part of the sheriff of Luzerne County; is that correct?—A. Yes, sir.

Q. Were the assignments made upon your own initiative as captain of the troops?—A. The assignments were made upon my own initiative.

Q. And where—were the assignments made to this service on election day, 1910? Were those assignments made upon your own initiative?—A. No; the assignments were made of the men afterwards—

Q. When the decision was made to have the assignments you exercised your judgment and authority in the selection of the men; is that right?—A. Yes.

Q. If the assignments were not made upon your own initiative, as you have testified it, at whose request or suggestion or brief were the assignments made?—A. The district attorney's, Mr. Valentine.

Cross-examination by Mr. JONES:

Q. The district attorney at whose request these assignments were made was the district attorney of Luzerne County?—A. Yes.

Q. Do you know Mr. Bowman?—A. I know who he is.

Q. Did Mr. Bowman personally or anyone acting in his behalf make any request to you that these assignments which you have detailed be made?—A. Oh, no; not at all.

(Counsel for contestant produces files of the Wilkes-Barre Record, in the custody of Horace E. Hayden, librarian of the Ousterhout Library and Historical Society; and if you will admit that these are the correct files, we will put them in evidence without swearing him.)

Mr. JONES. To what purpose.

Mr. CAMPBELL Will you admit these are the files of the Record as of November 7?

Mr. JONES. No; we will admit nothing.

Mr. CAMPBELL. We will call Mr. Hayden.

Mr. JONES. So that without any notice or service of notice upon Mr. Bowman or his attorneys that you are going to call Mr. Hayden as a witness you propose to call him.

Mr. MCLEAN. We will not call him.

Mr. JENKINS. Contestant offers in evidence copy of the Wilkes-Barre Record of Monday, November 7, 1910, and reads into the record the following—

Mr. JONES. This is objected to for the reason that there is no evidence here to show that the paper from which counsel for contestant is about to read is a copy of the Wilkes-Barre Record except the say so of counsel for this contestant.

Mr. JENKINS. I read into the record in this case the following extract therefrom—

Mr. JONES. This is objected to, first, as not having been competently shown to be a copy of the Wilkes-Barre Record; second, because it is not shown what the Wilkes-Barre Record is; and, third, as immaterial and irrelevant to this issue.

Mr. JENKINS (reading). The caption is "Out for McLean. Liquor interests so decide at a meeting of dealers. Speeches made urging the support of the Democratic candidate. Comment of Jonathan R. Davis, Republican chairman, on the action taken.

"At a meeting of the Liquor Dealers' Association held in Concordia Hall on Sunday afternoon it was decided to support George R. McLean for Congress. While some of the dealers present were not openly in favor of taking such a stand, the majority prevailed. Some stirring speeches were made, and it was evident that there was a strong disposition to introduce the liquor element as a factor in the campaign. Every member was urged to do his utmost on behalf of Mr. McLean.

"When Jonathan R. Davis, Mr. Bowman's campaign manager, was acquainted with the action taken at the meeting he said: 'If the brewery and liquor interests intend taking up the cause of Mr. McLean, that is their business; but Mr. Bowman has done nothing that warrants such action. If Mr. Bowman himself is temperate, that is nothing against him. He is not a crank on the subject. He believes in free and equal opportunity. So long as the law legalizes the sale of liquor, Mr. Bowman is not opposed to the sale of liquor; but he believes the liquor statutes should be lived up to. Even if he were opposed to the business, legal or otherwise, he could not as a Congressman have any influence to that end. Congress can not dictate to the State what it shall or shall not do. This is a question entirely for the legislature and for the people of each State to decide. Mr. Bowman has given the liquor interests no provocation. If they aim to defeat him by the liberal use of money and come out openly in support of Mr. McLean, they are raising an issue with which the candidate for Congress has nothing to do. Mr. Bowman has made his campaign entirely upon national issues, and he has not said a word upon the liquor question.'

Mr. JENKINS. In like manner we produce copy of the Wilkes-Barre Record for Wednesday, December 28, 1910, and read into the record in this connection the following editorial therefrom, to wit:

Mr. JONES. Objected to for the reasons assigned in the objections to the foregoing article and for the further reason that there is no evidence that Mr. Bowman, or anyone acting in his behalf or with his knowledge and assent, either wrote or inspired the editorial about to be read. The offer of these articles is objected to further for two reasons: It is the introduction of evidence by counsel for Mr. McLean, who has not been sworn as a witness; and, secondly, it is the introduction of evidence by a witness who has not only not been sworn, but no notice of his appearance here as a witness in this suit has been served upon the contestee or his attorney in accordance with the Statutes of the United States in such case made and provided; and, third, the date of the alleged article is December 28, some six or seven weeks after the election, and can not possibly have any bearing upon this issue.

Mr. JENKINS (reading). "George R. McLean, candidate for Congress in November, who has been out of town since the election, takes exception to an article which appeared in the Record's report of a meeting of liquor dealers held in Concordia Hall on Sunday, November 6. Mr. McLean says that the article in question conveyed the impression that the liquor dealers formally indorsed his candidacy. That, however, was not the impression which it was intended to convey. Speeches were made favorable to his candidacy by some

of the members, while others opposed such proceedings. Formal indorsement was given only to Mr. Tener. Mr. McLean represents a large brewery as attorney and friendship for him prompted activity in his behalf, but we are assured that Mr. McLean was not personally prompted to take advantage of his business relations to further his candidacy. The Record willingly makes this explanation."

Mr. JENKINS. The contestant in this case proposes to follow this testimony, first, by competent evidence, after due notice, that the papers from which the extracts have been read into the record of this case are copies of the Wilkes-Barre Record, a daily newspaper published at Wilkes-Barre, Luzerne County, Pa., and of the dates respectively given, to wit, November 7, 1910, and December 28, 1910, to be followed, secondly, by proof that the publication made November 7, 1910, and heretofore read into this record, was a false publication; that the said article before its publication was submitted to Mr. E. T. Gierling, and its publication authorized by Mr. Bowman, the said E. T. Gierling being present; the contestee, C. C. Bowman is shown by his own testimony to have made a gift of \$50 on or about January 4, 1911, to said E. T. Gierling. To be followed, thirdly, by proof that the said article which is published in the Wilkes-Barre Record of November 7, 1910, was copied into the Hazleton Standard of November 8, and its publication paid for by Jonathan R. Davis, county chairman and agent of C. C. Bowman, contestee in this case.

JONATHAN R. DAVIS, recalled.

Examination by Mr. LENAHAN:

Q. You saw this article, with reference to the indorsement, published in the Record, didn't you?—A. Yes.

Q. That article was published in the Standard, the Hazleton Standard, a paper published in the county of Luzerne, a morning paper in the city of Hazleton, wasn't it?—A. I don't know.

Q. Did you see it in the Standard?—A. No, sir.

Q. Did you pay for its publication in the Standard?—A. I paid a bill of the Standard; I don't know what it was for.

Q. Did you pay for the production of that article in the Standard?—A. I couldn't say that I did.

Q. Did you pay the Standard any money?—A. Yes.

Q. When?—A. After election.

Q. How long after the election?—A. A few days.

Q. What did you pay them that money for?—A. Why, it was a bill of \$10 and something.

Q. I know what it was. What services had they rendered that you paid them this money for?—A. I didn't really pay any attention to it.

Q. I didn't ask you that?—A. It was for advertising.

Q. What was that money paid for?—A. I can't tell.

Q. Do you know or don't you?—A. I don't know.

Q. Then you want it understood that you paid the Standard \$10.30 and you didn't know what it was for?—A. I don't recollect what it was for.

Q. Did you ask them what it was for?—A. No.

Q. Did you ever ask the Standard to do any publishing for you?—A. No.

Q. At no time?—A. No, sir.

Q. All that you recollect is that the bill was presented to you?—A. It was mailed to me.

Q. You knew nothing about what it was for when you received the mail and opened it, did you?—A. I didn't know any more than that Charley Guscott, the district chairman, and I had a conversation about it.

Q. We will call upon Mr. Guscott at the proper time; we are now examining Mr. Davis. You want it distinctly understood that when this bill came to you you knew nothing about what it was for?—A. I didn't recollect what it was for at the time.

Q. Do you recollect now what it was for?—A. Since this discussion has come up I think it was for the printing of the article in the Record.

Q. What article in the Record; the article read this morning concerning the article in the Record with reference to Mr. McLean being the liquor men's candidate?—A. Yes, sir.

Q. This is the first that you knew about it, was it?—A. Yes.

Q. This morning?—A. I possibly knew about it before, but I didn't recollect.

Q. Have you any recollection now of knowing anything about it when you paid the bill?—A. When I paid the bill?

Q. Yes; or when you received the bill?—A. I don't recollect, excepting that the district chairman said that he put an advertisement in the Standard.

Q. That is Guscott, is it?—A. Charley Guscott.

Q. What position has he got?—A. He was the district chairman.

Q. What position has he got that the people pay him for attending to, that is what I want to know?—A. He is a deputy sheriff.

Q. And he receives a salary from the people of Luzerne County, don't he, for attending to that job?—A. Yes.

Q. Did he tell you that he directed that to be put in the Standard?—A. Yes.

Q. When?—A. Some time after the election.

Q. How long after the election?—A. I don't recall.

Q. Well, about how long?—A. A few days afterwards.

Q. Mr. Davis, I want to ask you if it is not a fact that before this article appeared in the Standard that you had a talk with Mr. Guscott over the phone.—A. With reference to that subject?

Q. Just answer the question.—A. I had several talks with him over the phone.

Q. With reference to this article, did you not have a talk—before that article appeared didn't you have a talk with Mr. Guscott over the phone?—A. I don't remember that I did.

Q. How far is Hazleton from Wilkes-Barre? Hazleton, where he was located and Wilkes-Barre, where you were located?—A. About 25 miles.

Q. Hadn't you any talk with him on that day, the day that the article—the day before election, and tell him to have it published in the Standard, that article from the Record?—A. I did not.

Q. You said nothing to him about it?—A. No, sir.

Q. What did he say to you when he told you that he had that article put in the Standard?—A. I don't recall the conversation.

Q. Don't you recall the talk that you had with him?—A. I do not; no, sir.

Q. Where was it that you had the talk with him?—A. Several days after the election.

Q. Where?—A. I couldn't tell you the spot.

Q. I am not asking you the spot, I am giving you ample room, area of land. About where was it?—A. In the city of Wilkes-Barre.

Q. Is that the best that you can say?—A. That is the best I can say.

Q. That is the best you can say about it. What did he say to you?—A. He said he had that article copied or published in the Standard.

Q. Copied from where?—A. The Wilkes-Barre Record.

Q. Is that all that he said?—A. That is all he said.

Q. Didn't he say anything about who he paid for it?—A. No.

Q. He said nothing about who was to pay for it?—A. No.

Q. I show you article in the Record, now, and I ask you—Monday, November 7, is that the date of the Record? I ask you to look at that and state whether or not you had the interview that is set forth in this article?—A. That is in line with my conversation.

Q. I haven't asked you whether it is in or out of line with your conversation. Will you please answer that yes or no? Read the question to the intelligent witness again.

(Previous question read as follows: "I show you the article in the Record, now, and ask you—Monday, November 7, is that the date of the Record? I ask you to look at that and state whether or not you had the interview that is set forth in this article?")

A. Yes.

Q. With whom did you have that interview?—A. With Gene Glering.

Q. Gene Glering is the editor of this paper?—A. Yes.

Q. Where did you have it with him?—A. In the editorial room.

Q. Did he send for you?—A. No, sir.

Q. You called to see him of your own volition, did you?—A. I was there at the time.

Q. I suppose you were there at the time; you would not be there unless you were there at the time. I am aware of that. Make your answers a little more intelligent. Read the question to the witness again.

(Previous question read to the witness as follows: "You went to see him of your own volition, did you?")

Q. Answer that question, please, Mr. Davis.—A. Yes.

Q. What time of the day was it that you had that talk with him?—A. In the evening.

Q. Of what day?—A. On Sunday evening.

- Q. You live in Kingston and did at that time?—A. Yes.
- Q. About what time on Sunday evening?—A. About 7 o'clock, I think.
- Q. You came directly from Kingston to the Record office?—A. Yes.
- Q. How long were you there with him?—A. I was in the office 20 minutes or a half hour.
- Q. Was there anyone else there besides you and him?—A. Yes.
- Q. Who else?—A. Mr. Andrew Boyd and, I think, Mr. Moore. I think he was there.
- Q. Who else?—A. Some of the employees came in and out of there.
- Q. Did you tell Mr. Giering in that interview that the liquor men had indorsed Mr. McLean?—A. Yes.
- Q. You knew that the article was to appear then, didn't you?—A. Yes.
- Q. How long have you lived in Luzerne County?—A. Forty-five years.
- Q. You have been a subscriber and reader of the Record how many years?—A. Twenty-five or 30.
- Q. It is the only morning paper, isn't it, in the northern part of the county, covering in point of population and territory the greater part of the county?—A. Yes, sir.
- Q. The circulation of this paper, you know, is claimed to be at least over 20,000, isn't it?—A. Yes.
- Q. In this connection I desire to ask you—this article, now, in which your interview appears and to which you have just now testified, is the article which was read into the record at the time by Mr. Jenkins, a short time ago?—A. Yes.
- Q. I show you now an article in the Record, published over a month and a half after the election, and after the publication of this article to which I have just called your attention. This publication that I am now addressing myself to you about is of the issue of December 28, 1910. You saw that article, did you not?—A. Yes.
- Q. This is also an article which was read into the record by Mr. Jenkins a short time ago?—A. Yes, sir.
- Q. You have testified here at the last hearing that you could not recall all the persons to whom you had paid the moneys, the receipts for which are not on file, nor did you have them the other day, but you thought you might be able to recollect their names at the next hearing. Will you please give me the name of the persons and the amounts of these payments?—A. No, sir; I can't.
- Q. Well, then, I understand that there is \$100 unaccounted for. As to whom you paid it and the amounts that you paid them in. You have receipts filed originally of \$2,177; you then filed the receipts that Mr. Bowman gave you of \$91—\$25 receipts that you yourself had given, amounting to \$2,193. The whole amount of the sum that you charged yourself with as having received was \$2,393, leaving a balance of about \$100; is that right?—A. That is right.
- Q. So that there is \$100 you can't account for?—A. I have no receipts for that.
- Q. So that there is \$100 that you can't account for?—A. Yes.
- Q. To whom you paid it, how much you paid, or when you paid this \$100 you can not now give us?—A. I can't.
- Q. I see by your testimony at the last hearing that you produced receipts that you claimed were taken at the time that the moneys were paid, often in small amounts, but no receipt from Cosgrove. Why didn't you take a receipt from Lawrence Cosgrove?—A. The check was mailed to him and I wrote him twice for that receipt, but I haven't been able to get a receipt.
- Q. Do you recollect what you gave him?—A. Yes.
- Q. And that was \$150?—A. \$150; yes, sir.
- Q. When you mailed that check to him, did you inclose any inclosures with it?—A. Yes, sir.
- Q. What did you say in that communication?—A. I told him inclosed find check for \$150 and receipt. Please sign and return, and I inclosed the same in an envelope.
- Q. You inclosed a receipt?—A. Yes, sir.
- Q. Did you ever get that back?—A. No, sir.
- Q. How long have you known Thomas Kennedy?—A. I have not known him at any time only—
- Q. By reputation or personally?—A. I have never known him personally.
- Q. How long have you known him by reputation; how many years?—A. Five or six years.
- Q. You know of him from his experiences with others, there?—A. I don't know anything about him; no, sir.

Q. You never heard anything about him?—A. Nothing at all.

Q. You never heard that he was indicted in these courts for fraud at an election, did you?—A. No.

Q. You never heard that?—A. No.

Q. In other words, you never heard that he was indicted here for stuffing ballot boxes?—A. No.

Q. At no time?—A. At no time.

Q. Who recommended Thomas Kennedy to you?—A. I don't recollect.

Q. Mr. Bowman—and I didn't make any mistake when I said Mr. Bowman, either. I didn't make any mistake when I said that. Mr. Davis, isn't it a fact that Thomas Kennedy was indicted the year that you were county chairman here for frauds on the ballot?—A. I have no knowledge of it.

Q. You never heard about it?—A. Never heard about it.

Q. You were sheriff of this county for three years, were you not?—A. Yes.

Q. Beginning the first Monday in January, 1906; is that right?—A. Yes.

Q. Mr. Davis, your duties as sheriff kept you almost continuously in the courthouse, didn't it?—A. Yes.

Q. And one of the courts is held, or was held then, over your office—on the floor over your office; and the other court was held on the floor under your office. I am now talking about court rooms Nos. 1 and 2 in the old courthouse. That is right, isn't it?—A. Yes.

Q. And it was your duty to be present personally or by a representative during the holding of the courts?—A. During the holding of the criminal courts; yes, sir.

Q. You also had several deputies there; more than one?—A. Yes.

Q. And you were present yourself frequently?—A. Yes.

Q. And you say now that you did not hear that Thomas Kennedy—you didn't hear of his being indicted and tried for ballot-box stuffing during the time that you were sheriff?—A. I do.

Q. And during all the time that you were sheriff your residence was in Kingston?—A. Yes.

Q. And Kingston and Edwardsville adjoin one another, don't they?—A. Yes.

Q. So close together, indeed, that a part of one ward in Kingston makes a part of the territory of Edwardsville, don't it? There is just a main street dividing them?—A. Yes.

Q. What part of Kingston do you live in?—A. I live on Maple Street.

Q. How far from the Edwardsville line?—A. Less than a half mile.

Q. Considerably less than a half mile, isn't it?—A. No; not so very much less.

Q. Not so very much less? Do you know where Kennedy lives?—A. No, sir.

Q. Mr. Davis, you say you were the special manager of Mr. Bowman's campaign, were you?—A. Yes.

Q. When did you first enter into any negotiations with Mr. Bowman to become his special manager?—A. I don't recollect the date, but when Gen. Palmer announced his withdrawal it was along then.

Q. I am not asking you, Mr. Davis, the date, but along about when?—A. The first part of April.

Q. And from the time that you became his campaign manager you devoted most of your time to his service, didn't you?—A. No, sir.

Q. You did not?—A. I did not.

Q. Where did you meet Mr. Bowman first with reference to your managing his campaign?—A. In my office.

Q. What was the arrangements that you made with him?—A. I don't recollect them; nothing special.

Q. Well, you made some arrangements with him?—A. He asked me if I would manage his campaign.

Q. He asked you if you would manage his campaign?—A. Yes; in fact, he had asked me several times over the phone prior to this meeting.

Q. What did you say?—A. I told him I had too much business on hand to take the matter up and would prefer that he would have somebody else.

Q. Then what happened?—A. He was very insistent about my taking hold of it.

Q. At that time?—A. Yes.

Q. And you finally agreed to do it?—A. Yes; and repeatedly after that.

Q. At that time you were in the real-estate business?—A. Yes.

Q. And you considered that it would break strongly into your own business?—A. Yes.

Q. Your private business?—A. Yes.

Q. And it would involve you in a loss of time as well as a loss of money, and interfere with your private affairs and business to look after his candidacy?—A. I thought so at the time.

Q. Did he make any representations to you about compensating you?—A. No, sir.

Q. Nothing was said?—A. Nothing was said.

Q. Nothing was ever said between you?—A. No.

Q. And you never said to anyone that you were going to get well paid for this work?—A. No.

Q. You devoted to Mr. Bowman's interests at least three months, including the primaries and the general election, didn't you?—A. Yes.

Q. And you did that without any arrangement with him as to your compensation for your services, or without any hope of compensation for your services?—A. That is correct.

Q. And at the time that you assumed the management of Mr. Bowman's candidacy you were just beginning your real-estate business, were you not?—A. No; I had been in it for about a year.

Q. For a year before that? How long were you out of the sheriff's office before you went into the business?—A. A year and a half.

Q. What were you doing before you became sheriff?—A. Wholesale grocery business.

Q. You had been a candidate two or three times either for the nomination or for the election before you became sheriff, had you not?—A. Yes.

Q. And you claimed when you were elected sheriff that you had been made a poor man by your campaign, hadn't you?

(Objected to as immaterial, irrelevant, and witness told that he need not answer that if he don't wish to.)

Mr. LANAHAN. If he don't want to answer, he is at liberty not to. Let him say he don't want to. That is all I want. You claimed that when you were elected sheriff that you had been made a poor man by your campaign, didn't you?—A. I don't recollect that remark.

Q. You don't recollect making that remark to anyone?—A. No, sir.

Q. Before your election as sheriff you were a traveling agent for a grocery house, were you not?—A. Yes.

Q. Where did you get this taxicab that you sold to your friend, Mr. Bowman?—A. I bought that taxicab off Mr. Shephard, of Pittston.

Q. Mr. Shephard is of Pittston and Mr. Bowman is of Pittston, as I understand it?—A. Yes, sir.

Q. How long before you sold it to your friend, Mr. Bowman, had you bought it?—A. February 12.

Q. What year?—A. 1910.

Q. About the period of time that you assumed the management of this canvass of Mr. Bowman's, wasn't it?—A. No; it was some time before that.

Q. About how long before?—A. This was on February 12, and I didn't do anything for Mr. Bowman until some time in April.

Q. Did you use this taxicab?—A. I did not.

Q. Not at all?—A. No, sir.

Q. Where was this taxicab when you sold it to Mr. Bowman?—A. It was in storage.

Q. Where?—A. At Moore's garage.

Q. Where is that?—A. In Dorranceton.

Q. That is north of where you live?—A. Yes, sir.

Q. How long had it been there?—A. It had been there from the first part of October.

Q. Until you sold it?—A. Yes.

Q. Had it been taken out of there at all?—A. No.

Q. Where did you and Mr. Bowman make the deal whereby he was to purchase it?—A. In my office.

Q. In Wilkes-Barre?—A. Yes, sir.

Q. Did you take him over and show him the taxicab?—A. No.

Q. He simply bought the taxicab without seeing it?—A. Well, he knew about it; he had seen it in Pittston.

Q. He bought the taxicab without seeing it, as far as you know?—A. At that time; yes, sir.

Q. You have here one of your charges for the dissemination of information, is that right—\$611.70—but the aggregate when it is calculated shows \$616.70.

I wish you would go on, now, and tell me the men that you paid this \$611.70 to.—A. Well, if I can—if the account was here I would tell you.

Q. I only ask you questions for information that I can not get.—A. I can't recall the names.

Q. That I am not familiar with. Where I have the information myself, I am not asking you. Can you give it?—A. No.

Q. Have you any means of giving it?—A. No.

Q. Did you pay Reese Lloyd \$25?—A. Yes, sir.

Q. For the dissemination of information?—A. Yes.

Q. What did Reese Lloyd do by way of disseminating information that you gave him \$25 for?—A. I can't tell.

Q. Can't you give us any idea?—A. No; I can not.

Q. Then, this \$25, you don't know now what he did for it?—Disseminated information.

Q. You don't know what he did for it?—A. I know as far as the receipt says. It was for the dissemination of information.

Q. I know what the receipt says: I don't care about the receipt. I want to know, if you say it was for the dissemination of information, what that information or dissemination was, or what Reese Lloyd did for it, except to buy Democratic votes for it. Can you tell what he did with it?—A. He went about singing the praises of Mr. Bowman.

Q. He went about singing the praises of Mr. Bowman. And you paid Reese Lloyd \$25 for singing, did you?—A. I didn't hear him sing.

Q. You have said here that he went about singing the praises of Mr. Bowman, and you have sworn to that—I am only taking your testimony—is that what you mean?—A. I will have to modify it.

Q. I think so. Then we will come back again. What did you give him \$25 for?—A. It comes under the heading of dissemination of information, for the purpose of doing political work for Mr. Bowman.

Q. Now, what did he do that you paid him for? Give us it specifically?—A. Political work.

Q. What kind of political work?—A. That covers your answer.

Q. No; it don't cover my answer. You don't get away that way from me. What was the political work?—A. It was in reference to soliciting votes.

Q. Do you know of a vote that he solicited?—A. I can't recall it now.

Q. I am asking you if you can?—A. No, I say.

Q. You don't know of a vote that he solicited? Did he give you the names of any voters that he solicited?—A. No.

Q. That money was given to him to solicit votes throughout the territory, wasn't it, that \$25?—A. No.

Q. It was not?—A. No.

Q. Did you pay him that money before or after the election?—A. Before the election.

Q. Before the election?—A. Yes.

Q. You are sure of that now, are you?—A. Yes.

Q. What did he say that he was going to do with it?—A. I don't recall the circumstances.

Q. What did you say that he was to do with it?—A. I don't recall that either.

Q. Did you take a receipt the day you paid it to him?—A. I don't believe that I did.

Q. How long before the election did you pay it to him?—A. Possibly a week or ten days.

Q. Reese Lloyd is also a real-estate man, isn't he?—A. Yes.

Q. And he held the office of the clerk of the courts here for six years?—A. Yes.

Q. And you say now that he took \$25 for himself, do you?—A. For the purpose of aiding in the campaign work.

Q. You say now, Mr. Jonathan Davis, that this man, who had been selected and honored by his party for six years as the incumbent of one of the best-paying offices in the county, and who was also, I believe, for three years a clerk in the county office, you say that man took \$25 for himself?—A. I didn't say that.

Q. What do you say to that?—A. I say that he took \$25 to perform political work.

Q. And I asked you, then, what kind of political work.—A. I have said for the soliciting of the Republican votes for Mr. Bowman.

Q. Then you say now that this man took \$25 for himself to solicit votes, this man who had been so honored and rewarded by his party, he took \$25 for himself to go out and look for votes for Mr. Bowman?—A. Yes.

Q. He did?—A. He did.

Q. And he never told you of a vote that he had solicited?—A. No.

Q. And he never told you from whom he solicited it?—A. No.

Q. And he didn't tell you that he disseminated political information?—A. I didn't inquire of him.

Q. You gave him that \$25 regardless of what he would do with it, didn't you? That is what you gave it to him for?—A. No, sir; I didn't.

Q. And he told you when you gave it to him, when you gave him that \$25, he told you that he knew where he could put it to do good, didn't he?—A. No.

Q. Then why did you fix on the sum of \$25, when in many other cases men whose names I see here, who are equally influential, were paid only ten or fifteen dollars? Why did you fix on the sum of \$25 with him?—A. I think he had some understanding where this—

Q. I am asking you to give me why you did it.—A. I have said for political purposes, for political services.

Q. I know, but why did you give him more than a great many others on here whose names are equally influential with him?—A. Because he rendered more services.

Q. Tell us what services he rendered?—A. I can't tell you that.

Q. Then you want it to go on record here that this \$25 you gave Reese Lloyd, the ex-office holder of your party, was given in payment of his work for the party?—A. Yes.

A. Now, you have got on here Mr. George A. Edwards; what did he do?—A. He wrote some articles.

Q. When?—A. In the newspapers.

Q. In what paper?—A. I can't enumerate which paper.

Q. I am not asking you to enumerate. What papers?—A. I don't recollect which paper it was.

Q. You are a man of large experiences in Luzerne County; you are familiar—claim to be so familiar with the methods of politics that you have no superior. You know all the papers that are published in the city of Wilkes-Barre, where Mr. Edwards lived, and more or less most of the papers in Luzerne County, and you paid him, you say, \$10 for articles he wrote in a paper, and I now ask you, with this experience and knowledge that you have, why you can not give us the name of the paper that he wrote the article for?—A. I can't tell you.

Q. You can't give us the name of the paper he wrote the article for nor can you give us any idea of what the article was?—A. No, sir.

Q. Frank Matejewski, you gave him \$10?—A. Yes.

Q. He lives in Nanticoke?—A. Yes.

Q. What is his business?—A. Liquor dealer.

Q. He is in the liquor business, isn't he?—A. Yes.

Q. What relation did he hold to the liquor organization in Nanticoke?—A. He was secretary of the Retail Liquor Dealers' Association in Nanticoke.

Q. And you gave him \$10. What for?—A. Disseminating information.

Q. Liquor information?—A. No.

Q. What information?—A. General political information.

Q. What was the character of the general political information?—A. With reference to the Republican campaign?

Q. With reference to the Republican campaign. Will you please tell me the talk that you had with him when you gave him that \$10?—A. Yes; it was in my office.

Q. Go on and tell us what was said.—A. I asked him if he would assist in the work of the Republican campaign, and he said he would.

Q. You asked if he would assist in the work of the Republican campaign, and he said he would?—A. Yes.

Q. What was the work that he did?—A. I don't recollect.

Q. You remember giving him the \$10?—A. Yes.

Q. Did you give him the \$10 then?—A. Yes.

Q. What work was he to do?—A. I just told you.

Q. No.—A. Yes; I said it was for disseminating information.

Q. What kind of information was he to disseminate?—A. Republican information.

Q. Tell us the kind of Republican information he was to disseminate.—A. I can't tell any more than I have told you.

Q. That is the best answer that you can give?—A. That is the best answer I can give.

Q. Did you tell him the details of the work he was to do for the party and how he was to back up the Republican claims?—A. No.

Q. Did you tell him that he was to go out and eulogize the Republican candidates?—A. No; I said—

Q. You gave him that \$10 because of the position he occupied in the liquor league, didn't you?—A. No; nothing of the kind. He has always been a Republican and has always been a Republican worker, and I have known him for a great many years.

Q. I know that you knew him, and was it because you knew him for many years that you gave him the \$10?—A. That is one of the reasons.

Q. Didn't he ask more than \$10?—A. No; he never suggested it; he never asked for a cent.

Q. And didn't you dicker with him?—A. I did not.

Q. Now, we have one C. S. Williams: who is this; Charles Williams, your successor on the road for the house for which you were traveling agent?—A. Yes.

Q. You gave him \$10, too, for disseminating information, did you?—A. Yes.

Q. Where was he to disseminate this information?—A. Traveling about.

Q. Doing what?—A. In line with his other work.

Q. He was going about for his other work. That is true. When did you pay him this?—A. Some time before election.

Q. How long before election?—A. I couldn't tell dates; a week or so.

Q. A week or so before election you gave him \$10?—A. Yes.

Q. Tell us what you told him he was to do with it or for it?—A. I told him he was to do all he could for the interest of the Republican candidates.

Q. All that he could for the interest of the Republican candidates; was that right?—A. Yes.

Q. Why, you were using Mr. Bowman's money in the interest of all the other candidates, were you?—A. I had other money besides Mr. Bowman's.

Q. Wasn't this Mr. Bowman's money that you paid out?—A. No.

Q. It was as chairman of the county committee?—A. Yes.

Q. Did you say anything else to him?—A. No.

Q. You gave him the \$10 and told him to do all he could in the interest of the Republican candidates?—A. Yes, sir.

Q. You paid one D. S. Clark \$15?—A. Yes.

Q. What for?—A. The same thing.

Q. Repeat what it was for?—A. For the dissemination of information.

Q. For the dissemination of information?—A. Yes.

Q. How did you come to give him \$15 for the dissemination of information, and you only gave Charley Williams, your successor, \$10?—A. Clark did special work with reference to visiting the different boroughs and towns and organizations.

Q. That is why you gave him the \$15. You are sure it was for the dissemination of information and for nothing else?—A. No; nothing else.

Q. You are positive about that, are you; there can't be any doubt about that?—A. Not as far as I remember.

Q. Why did you put in here, "For special watchers and the dissemination of information"? Look at that. Why did you put that in there, Mr. Davis if that \$15 was paid, as you have sworn and are so positive about, for the dissemination of information; why did you put it in for special watchers as well?—A. I have another receipt in the same line—

Q. I don't care about that.—A. It must be an error.

Q. Then this is untrue, is it?—A. It must be.

Q. I am not asking you what must be; of course it must be; if your testimony is correct, it would be untrue?—A. It is untrue.

Q. When you put in this receipt for "special watchers," you put in one which was untrue?—A. No; it is an error.

Q. You have told us that.—A. Yes; and I expect to stand by that.

Q. Was it true or untrue?—A. It is an error.

Q. I am not asking you that; I will ask you the question again. Was it untrue or true?—A. That is untrue.

Q. What is the official position of Mr. Clark; or what was it at that time and is yet?—A. Constable.

Q. You paid one C. J. Rhineheimer \$15?—A. Yes.

Q. He is a boss or foreman of the corporation known as the Vulcan Iron Works, isn't he?—A. No.

Q. What does he do?—A. He does hauling and lives on Parrish Street.

Q. He isn't a coal miner, then? What does he do; is he a teamster? What did he do that you paid him that money for?—A. He went about doing some political work for me.

Q. What kind?—A. Disseminating information.

Q. Why didn't you put in there that it was for disseminating information?—A. Well, it was services in that line.

Q. Services in that line; where did he disseminate his information?—A. In the city of Wilkes-Barre.

Q. What did he disseminate? Tell us.—A. I can't explain any more than I have.

Q. You employed him?—A. Yes; he came to me.

Q. Where did you employ him?—A. In the city of Wilkes-Barre.

Q. In your office?—A. Yes.

Q. What did you say to him when you employed him?—A. I told him that I wanted him to go out and to do all he could for Mr. Bowman and the Republican ticket.

Q. You gave him \$15 and told him, I want you to go out and do all you can for Mr. Bowman and the Republican ticket?—A. Yes.

Q. That is all the talk that took place between you?—A. Yes.

Q. And you inferred from that that you would be justified in declaring it was for the dissemination of political information that you paid that \$15; is that right?—A. Yes; that is right.

Q. I see a man here whom you paid \$40 to, by the name of Fred Rodda. He is the sheriff of Luzerne County, isn't he?—A. Yes.

Q. And he is paid by the people how much a year to look after that office?—A. \$6,000.

Q. And he was in the employ of the county as deputy sheriff under you, wasn't he?—A. Yes.

Q. And then he became elected sheriff?—A. Yes.

Q. And as sheriff it is his business to travel this county, isn't it? And he does travel it?—A. Yes.

Q. What did you pay Fred Rodda \$40 for?—A. I paid him to do special work for Mr. Bowman and the Republican candidates.

Q. To do special work for Mr. Bowman and the Republican candidates; what was the special work that Mr. Rodda was to do?—A. He went out to all parts of the county.

Q. What was he to do as special work?—A. He was to go about and render any assistance he could over all sections to the Republican party and the candidates.

Q. How was that to be done? There are many ways by which it can be done—some by bribery and corruption and the others by honest means. How was he to do that? Give us the specific manner in which he was to do it.—A. He saw a large number of his friends and got them interested for the Republican candidates.

Q. Where?—A. Throughout the county.

Q. Well he was paid by the county for traveling the county, was he not?—A. This was outside of that—for a special work in reference to the campaign.

Q. He didn't have to get out of his territory that he was to travel for the county?—A. The county doesn't pay him for traveling.

Q. Don't it pay him \$6,000 a year?—A. That is not for any travel.

Q. Isn't that a part of the consideration?—A. Not in that respect.

Q. And don't he charge for that work every man for whom he does his work—his direct mileage—so much a mile?—A. Yes.

Q. And the money comes into his hands—the money is paid to him, isn't it?—A. It goes into the county's hands.

Q. The money is paid to him?—A. No.

Q. Do you say that if a man goes to the sheriff's office with a writ that he don't charge that man mileage for the service of that writ and that the money is not paid to him directly?—A. It is paid to the office.

Q. Isn't it paid to him?—A. Paid to him; yes.

Q. And then he settles with the county?—A. Yes.

Q. Now, I want you, Mr. Jonathan Davis, to tell me why you paid \$40 to the sheriff of Luzerne County if you didn't pay it to him for the purpose of cor-

rupting the voters and having him pay this money out to the voters of this county?—A. No; I did not.

Q. Why did you pay it to him, then?—A. I told you for the dissemination of information. He went through the county soliciting many of his friends to do what they could for the election of Mr. Bowman and the Republican ticket.

Q. Can you tell me a man whom he solicited? Because if you do, I will give you the name of a man he bought with this money. Give me the name of a man?—A. I can't recollect.

Q. You can recollect him, but you don't want to. That is the truth, isn't it?—A. No.

Q. You have here another officeholder that you paid \$35 to, one L. P. Holcomb, haven't you?—A. Yes.

Q. What is his business?—A. Deputy recorder.

Q. He, too, is paid by the county a large salary, isn't he?—A. I don't know how large it is.

Q. You say that you don't know how much it is?—A. No.

Q. You have no idea at all?—A. It depends on the fees; about \$2,000 I should think, a year.

Q. Why did you pay L. P. Holcomb \$35?—A. For the same reason.

Q. For what reason?—A. Disseminating information.

Q. That he was to leave his office and leave his work for which the county was paying him and go out and disseminate information?—A. He wasn't in the office during the whole time.

Q. Isn't he supposed to be in the office during working hours?—A. He don't work at all times.

Q. What hours did you employ him to do this work in?—A. No particular hours.

Q. And he is one of the alleged bosses of the Republican Party?—A. He may be one of the alleged ones.

Q. He is alleged to be?—A. Yes.

Q. And you paid that man, who has been holding office under Republican administrations for many years, you paid him \$35 for the purpose of disseminating information, and not for the purpose of distributing it around among men whom he could buy; is that so?—A. Yes.

Q. I see that you have another officeholder, one W. P. Gallagher?—A. Yes.

Q. What other name does he bear?—A. I don't know.

Q. Did you hear him called "Martin McAvoy"?—A. No.

Q. You never heard that?—A. I have heard it.

Q. You never heard that he filed fraudulent papers in the name of Martin McAvoy in order to get on the Republican primary ticket, did you?—A. I heard of it.

Q. You heard that he did that, and that man holds under the Republican administration in this county, or did hold until he was appointed to an office at Harrisburg within the last month or two, a position in the office of the register of wills?—A. Yes.

Q. At how much a year? Over \$2,000 a year, or about \$2,000 a year?—A. Yes.

Q. And while he was holding that office this man W. P. Gallagher, alias "Martin McAvoy," you paid \$20 to?—A. Yes.

Q. And he is also alleged to be one of the Republican bosses in the county, isn't he?—A. Yes.

Q. You have here one A. R. Bahny to whom you paid \$25?—A. Yes.

Q. He was in the employ of the county?—A. No.

Q. Working in the recorder's office?—A. No.

Q. You swear positively to that?—A. I do.

Q. And that you didn't know that to be a fact?—A. No.

Q. Well, I happened to see him working there, and he told me who happened to get him there, too. What did you pay him \$25 for?—A. Working among the Jewish population.

Q. You paid him \$25 to work among the Jewish population?—A. Yes.

Q. What kind of work?—A. Disseminating information.

Q. Is that the only answer you can give, disseminating information?—A. For the assistance of the Republican campaign.

Q. You have here also one John McCloskey, \$10?—A. Yes.

Q. He is a deputy sheriff in the office of Sheriff Rodda, who got \$40?—A. Yes.

Q. You paid the deputy only \$10, only 25 per cent of what you paid his chief, didn't you?—A. Yes.

Q. It is his business to travel this county, too, isn't it?—A. Partly.

Q. As deputy sheriff, and he does do it, too, doesn't he?—A. Yes.

Q. You paid him that to disseminate information, did you?—A. Yes.

Q. What kind of information was he to disseminate?—A. Political information.

Q. What kind of information?—A. Good Republican information.

Q. Did you tell him good Republican information?—A. I did.

Q. Is that all the information you gave him?—A. Yes.

Q. When you sent out and gave him this \$10 you said go on out and disseminate good Republican information, did you?—A. Yes.

Q. And that is all you said to him, did you?—A. Yes.

Q. Disseminating good Republican information in this State means purchasing Democratic voters?—A. I don't know.

Q. You never heard of that, did you?—A. No.

Q. Not in all your life did you hear anything of that kind in this county?—A. I have heard it; yes, sir.

Mr. JONES. What have you heard?

Mr. LENAHAN. He has told what he heard. Who is Martin Heffernan, the gentleman to whom you gave \$25?—A. I don't know who he is.

Q. You don't know him?—A. No; I did not.

Q. Where was—where are these receipts?

Mr. MCLEAN. This is copy of them; the clerk at the other hearing took them away again with him.

Q. Now I see that you gave Thomas Ryscavich \$25. What is his business?—A. He is vice president of the miners' union.

Q. And that is the only job that he works at?—A. Yes.

Q. And once when you met him during the political campaign you gave him \$25. What for?—A. To disseminate information for the Republican interests.

Q. Just tell us what was said to him when you met him.—A. That is all I said.

Q. Tell us exactly as you said it.—A. I don't recollect it.

Q. You don't recollect it?—A. No.

Q. Who is M. J. Reese, of the city of Freeland?—A. No; that is Nanticoke. He is a merchant at Nanticoke.

Q. He is a grocer over in Nanticoke?—A. Yes.

Q. You gave him \$25?—A. Yes.

Q. What for?—A. The same purpose.

Q. Why did you give some more and some less?—A. Their services were more valuable.

Q. In what respect?—A. They covered more ground and made a greater effort.

Q. Much of this money was paid before election for services to be rendered?—A. Yes.

Q. Will you tell me what more services Mr. Reese rendered than Mr. William P. Gallagher?—A. No; I can't tell you.

Q. Will you tell me what more ground he covered than William P. Gallagher?—A. No; I can't tell you.

Q. The truth is that you gave this money to these men to go out and buy voters, didn't you?—A. No.

Q. Or make a suggestion about that?—A. No.

Q. Then why did you give some men \$50 for the dissemination of information if that was not a fact?—A. There are some men worth more money than others in every respect, in reference to any position.

Q. In what respect?—A. Because, as I said, they cover more ground.

Q. Tell me one man that covered more ground than another. Tell me the man that covered the most ground?—A. I can't tell you that.

Q. I see that you gave to a lawyer here \$50; what was that given to him for?—A. For the dissemination of information and for the assistance of the political campaign.

Q. What kind of assistance?—A. Any assistance he could give us honestly.

Q. What was the assistance he was to give?—A. To see the different people.

Q. To see the voters?—A. Yes.

Q. To see them in the right way, wasn't it?

Mr. JONES. What do you mean by that?

Mr. LENAHAN. We know what that means. I see a gentleman here named Jesse A. Briggs. You gave him \$35. Who is Jesse?

A. A clerk in the controller's office.

Q. He is also in the employment of the county, isn't he?—A. Yes.

Q. What did you give him the \$35 for?—A. For the dissemination of information.

Q. Where was he to disseminate it?—A. He was around to different parts of the county.

Q. What parts of the county was he to?—A. I can't recall any special place.

Q. Any place at all, can you recollect? How did you fix on \$35 as the amount to be given this man who held office and who was paid by the county for attending to the public business, instead of going around and corrupting the voters for Mr. Bowman. Tell us one thing that you did that you gave him this \$35 for?—A. I don't recollect, I am sure, what it was.

Q. You can't tell us a thing that he did? You can't tell us a place that he went to?—A. No.

Q. You can't tell us specifically any services that he rendered, can you?—A. No.

Q. How much money did you give D. S. Clark altogether—the constable?—A. I think it was \$25.

Q. You think it was \$25?—A. Yes.

Q. It was \$35, wasn't it?—A. I don't remember.

Q. I will show you a copy of your account. Run over it and see if you didn't give him \$35. You gave him \$15 and \$20; that is \$35 you gave him, wasn't it?—A. Yes.

Q. What was that for?—A. Well, he did a good deal of work for us going around among the secret societies.

Q. Going around among the secret societies? What societies?—A. I don't recollect what they were.

Q. Didn't you ask this man what the secret societies were?—A. I forget now what he does belong to.

Q. You know very well what societies he told you.—A. I think it was the Junior Americans.

Q. The Junior American Mechanics, wasn't it?—A. Yes.

Q. And he was a member and he was working them up for Mr. Bowman, was he?—A. Yes.

Q. And using arguments against Mr. McLean, that he was of foreign blood. That was one of the arguments, wasn't it?—A. I never heard that.

Q. What was he doing among the Junior Mechanics. What argument was he using against Mr. McLean?—A. I don't know that he used any against Mr. McLean.

Q. Didn't you say that you paid him for working for Mr. Bowman?—A. I don't know that he used any arguments against Mr. McLean.

Q. And among the arguments that he used was this dough that you gave him. That was some of the arguments, wasn't it?—A. I don't know.

Q. You gave him \$15 first, and he came back to you and told you that he had to have more money, because he said the boys wanted some. Didn't he say that to you?—A. No.

Q. What did he say that he wanted the other \$20 for?—A. For expenses.

Q. But what kind of expenses?—A. Traveling about.

Q. Traveling where?—A. To different towns.

Q. What towns? Tell us the towns that he told you that he traveled to?—A. He was at Plymouth, Nanticoke, Maltby.

Q. Where else?—A. In some of the country districts.

Q. What country districts?—A. I think he was out through Slocum and around Shickshinny.

Q. When was he out at Slocum and where else?—A. I don't know of any others.

Q. You gave one James C. Wallace \$40?—A. Yes.

Q. Who is he?—A. Foreman of the Lehigh Valley.

Q. He is a foreman of the Lehigh Valley Coal Co., for where?—A. At Swoyersville and Maltby.

Q. You know as well as any man living the dangers surrounding the hundreds of hands under this mine foreman and other mine foremen have under them; that it is almost absolutely essential that a mine foreman should be present during all the time, isn't it?—A. He is always there during working hours.

Q. Answer the question. It is essential that he should be there?—A. Yes.

Q. And you gave him—that mine foreman—\$40?—A. I did.

Q. For what?—A. To do political work.

- Q. Where?—A. On the west side and over the mountain.
 Q. Where?—A. Lehman, Dallas, and at the Lake.
 Q. Where on the west side?—A. Lehman, Forty Fort, and Swoyersville.
 Q. Did he go out and see these people at the places you mentioned?—A. He did.
 Q. When did he go to Dallas?—A. I couldn't tell you.
 Q. Who did he see in Dallas?—A. I couldn't tell you.
 Q. Who did he see in Lake?—A. I don't know.
 Q. Who did he see in Lehman?—A. I don't know.
 Q. How many men had he under him as mine foreman for the Lehigh Valley Coal Co.?—A. I don't know.
 Q. How many men did he have working in the mines there?—A. I don't know.
 Q. You didn't ask him?—A. No. He is assistant foreman.
 Q. What colliery is he assistant mine foreman in?—A. I don't know what they call it.
 Q. You say that you don't know the name of the colliery?—A. No; I don't.
 Q. And you have no idea where it is?—A. Yes; I have.
 Q. Give us the idea that you have.—A. In Swoyersville.
 Q. On the west side of the river?—A. Yes; on the west side of the river.
 Q. You also gave one E. J. Mackin \$40?—A. Yes.
 Q. What is his business?—A. County detective.
 Q. How long has he been county detective?—A. Four or five years.
 Q. He is paid by the county, isn't he?—A. Yes.
 Q. How much a year?—A. \$1,800.
 Q. And you sent this man out, whose business it was to prosecute criminals and for which he was paid—you sent him out to disseminate information, did you?—A. I did.
 Q. Do you know that man's reputation in this community?—A. Yes.
 Q. His reputation is that of a professional politician, isn't it?—A. Yes.
 Q. And you have heard that he was charged with stuffing ballot boxes?—A. No, sir; I have not.
 Q. Did you ever hear, sir, that the candidate for senator as told by Mackin that he changed the returns against him in the prothonotary's office when he ran against James; did you ever hear that?—A. It is news to me.
 Q. You never heard that?—A. No.
 Q. How long has Mackin been a professional politician?—A. I don't know.
 Q. About how long?—A. I have no idea.
 Q. As long as you have known him he has lived on politics, hasn't he?—A. I can't say that.
 Q. Well, to the best of your recollection?—A. He has held political office, as far as I know—as far as I have known him.—
 Q. As long as you have known him he has been holding political offices?—A. Yes.
 Q. Where was he to disseminate political information—Mr. Edward Mackin?—A. Throughout the county.
 Q. Any particular place in the county?—A. No particular place.
 Q. Didn't you give him this money to go and buy votes with?—A. No, sir; I did not.
 Q. You didn't?—A. I didn't give a red cent for that purpose to anybody.
 Q. Did he mention anything about buying votes?—A. Not a vote.
 Q. Didn't he tell you how he bought votes in this district and that in the past?—A. He never told me any such a thing in my life.
 Q. And didn't he tell you and isn't it common rumor in this community that is a part of his business, tampering with the ballots?—A. No, sir; it is not.
 Q. You never heard that?—A. I never did.
 Q. You have heard—you know, don't you, that this man's expenses was paid by the county?—A. Yes.
 Q. And you have heard from the public press that he has turned in time and again padded bills?—A. I never heard that.
 Q. You never read that in the paper?—A. No.
 Q. You never read in your favorite journal, the Record, that Mackin had turned in bills for travel and for services he never performed?—A. No.
 Q. Did you read an opinion of the county solicitor in the papers in the last two weeks?—A. No; I read the headlines.
 Q. Tell us what the headlines said.—A. I don't recollect it.
 Q. Have you any idea?—A. No; I didn't read it.

Q. Didn't the headlines say that Mackin has overcharged the county and has drawn money out of the county treasury that he had no right to draw for traveling expenses?—A. I don't know a thing about it.

Q. You read it within the last two weeks, didn't you?—A. Yes.

Q. You testified that you did, you know?—A. I don't recollect a thing about it.

Q. You read the headlines within the last two weeks, did you not?—A. I don't recollect anything about it.

Q. Haven't you testified here that you did?—A. I noticed it in the paper, but I don't remember when or anything about it.

Q. Have you not testified here that you read the headlines within two weeks?—A. Yes; possibly I did.

Q. What did those headlines charge him with?—A. I don't recollect it.

Q. In connection with what did they charge him?—A. I don't know a thing about it, really.

Q. What did the headlines say?—A. I can't recall it.

Q. Your memory is a blank as to those headlines?—A. Yes.

Q. Although those headlines may have charged grave offenses against this man, in the administration of justice, with this political graft—all this you have no recollection of now, one way or the other, as to what the headlines indicated?—A. None, whatever.

Q. Your mind is a perfect blank upon that?—A. Yes.

Q. Do you remember, Mr. Davis, being chairman of the Republican county committee in, I think, 1909?—A. I wasn't chairman in 1909. Mr. Hall was chairman.

Q. You were living in Luzerne County that year?—A. Yes.

Q. You saw, didn't you, during that campaign, charges made against Mackin in the public press of this county? To be specific, in the Valley Vigilant, or copied from the Valley Vigilant?—A. I don't recollect it.

Q. You don't recollect that. You don't recollect seeing in a Republican newspaper, the Valley Vigilant, and copied into other papers, an account wherein Mackin was charged with having defrauded the county out of hundreds of dollars?—A. Yes; I do.

Q. And notwithstanding that, sir, you gave this man \$40 to go around and disseminate Republican information?—A. I did.

Q. It was done in the Republican way that Mackin does it, I suppose, was it?—A. I suppose it was.

Q. In 1906 you were the chairman of the Republican county committee, were you not?—A. Yes.

Q. And you heard nothing after that election or before that election about Mackin being charged with having participated in the fraudulent alteration of the votes against certain Democratic candidates—after the returns were brought into the prothonotary's office?—A. I don't know anything about it.

Q. And you never heard about it?—A. No.

Q. And no one ever told you about it?—A. I don't know a thing about it.

Q. In the year that you were chairman—1906—when Mr. Salsburg was on the Prohibition ticket and Mr. Salsburg also had the Republican nomination; isn't that right?—A. That is correct.

Q. And this year, you being the chairman, when Mr. Bowman, the contestee, here, was also on the Prohibition ticket, as well as being the regular Republican nominee?—A. Yes.

Q. You have paid here, you say, one Fred Tureck \$10. Who is he?—A. A young man in Glen Lyon.

Q. What does he do?—A. He works in the mines, as far as I know.

Q. Isn't he a deputy constable?—A. I don't know anything about his business, only that I think he is a miner and works in the mines.

Q. What did you pay him that \$10 for?—A. Political work.

Q. What kind of political work?—A. Disseminating political information.

Q. What was the Republican information he was to disseminate?—A. He was to talk and work among his friends and interest them and get them to vote for the Republican ticket.

Q. Where did you pay him this money?—A. I think it was in my office.

Q. Who was there when you paid it to him?—A. I don't recollect.

By Mr. JENKINS:

Q. Mr. Davis, you were county chairman for the Republican Party in the year 1906?—A. Yes.

Q. In that campaign you conducted the local campaign for the Republican ticket, in which Abram Salzburg was the head, is that true, being a candidate for district attorney?—A. I don't know as he was the head, but he was a candidate for district attorney.

Q. And in that campaign there was a candidate, to wit, Edwin Stuart, for governor; is that right—the Republican candidate for governor?—A. Yes.

Q. And there was also a Prohibition candidate for governor, wasn't there?—A. Yes.

Q. And you were also chairman of the Republican county committee in the year 1907, were you not?—A. Yes.

Q. And in that year the candidate for the local ticket was Mr. H. A. Fuller, candidate for judge?—A. Yes, sir.

Q. And Mr. Fuller, the candidate for judge on the Republican ticket, was also the candidate on the Prohibition ticket, was he not?—A. Yes, sir.

Q. And he received the Prohibition indorsement; is that a fact?—A. I think so.

Q. Were you the county chairman of the Republican Party in Luzerne County in the year 1908, when Henry W. Palmer was elected to Congress?—A. Yes.

Q. And in that year Gen. Palmer was the head of the local Republican ticket?—A. Yes.

Q. And he had the indorsement on the Prohibition ticket?—A. Yes.

Q. Who was the chairman of the Republican county committee in the year 1909?—A. W. W. Hall.

Q. In that year Mr. John H. Williams was the head of the Republican county ticket, and was a candidate for the office of district attorney, wasn't he?—A. Yes.

Q. And he was also the nominee of the Prohibition Party in that campaign?—A. Yes, sir.

Adjourned until 2 p. m.

FEBRUARY 28, 1911—2 O'CLOCK P. M.

Hearing resumed, pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., John E. Jenkins, Esq., counsel for contestant; Arthur L. Turner, Esq., commissioner for contestant; Evan C. Jones, Esq., counsel for contestee; C. C. Bowman, contestee, in person; John A. Opp, commissioner for contestee.

GEORGE WAGNER recalled.

Examination by Mr. LENAHAN:

Q. Mr. Wagner, turn to the receipt of Martin Heffernan.—A. Here it is, sir [witness produces paper].

JONATHAN R. DAVIS recalled.

Examination by Mr. LENAHAN:

Q. Mr. Davis, I want you to look for Mr. Michael Gallagher in the second ward.

(Witness shown paper.)

Q. Mr. Davis, is this in your handwriting?—A. No, sir.

Q. You have filed a receipt here purporting to be signed by Martin Heffernan, a man whom you say you don't know and whom you can not describe to me. I show you that receipt and ask you in whose handwriting that is?—A. I can't tell you.

Q. You don't know?—A. I don't know.

Q. Then you know nothing about that receipt?—A. No.

Q. And you know nothing about the man?—A. No, sir.

Q. Where did you get that receipt from?—A. I don't know where that receipt came from.

Q. I want to read this into the record. The handwriting in the body of the receipt is different from the handwriting of the signature. Martin Heffernan, isn't it?—A. Yes; I would say so.

Mr. LENAHAN (reading): "Received of Jonathan R. Davis, county chairman, \$25 for employment of watchers and disseminating information to the public. November, 1910. Martin Heffernan."

CHARLES H. GUSCOTT, called on behalf of the contestant, and duly sworn by Commissioner Turner:

Examination by Mr. LEAHAN:

- Q. Mr. Guscott, where do you live?—A. Hazleton.
- Q. What is your business?—A. Deputy sheriff of Luzerne County.
- Q. How long have you been a deputy sheriff?—A. Six years.
- Q. What was your occupation before becoming deputy sheriff?—A. School teacher.
- Q. You are deputy sheriff now under Fred Rodda?—A. Yes, sir.
- Q. That is the man whose name you heard read off here as having received \$40?—A. I think so.
- Q. And you were also deputy sheriff under Mr. Davis?—A. Yes.
- Q. Who says that he gave to his successor \$40? That is, Mr. Davis, whom you were deputy under, says that he gave Mr. Rodda \$40?—A. Yes, sir.
- Q. You were chairman of the first legislative district of the Republican organization in Luzerne County in the last election, were you not?—A. Yes.
- Q. I wish you would go on now and tell me what moneys you received; from whom you received it and when?—A. I received \$700 from Jonathan R. Davis, as chairman of the Republican Party, and I think I got \$300 the first week in November, and I got another \$100, I think, the day before or the day after election, I am not positive which.
- Q. How did you get that money, in cash or by check?—A. In a check.
- Q. Both items were in checks, were they?—A. Yes.
- Q. Did you get any cash from him at all?—A. No; not a cent.
- Q. What other moneys did you receive?—A. I think I got \$150 from Mr. James and that is all, \$125 I think it was.
- Q. From Mr. James?—A. Senator James.
- Q. What other moneys did you receive?—A. That is all.
- Q. Mr. James was the Republican candidate for senator?—A. Yes.
- Q. And your district was in his senatorial district?—A. Yes.
- Q. Luzerne County is composed of two senatorial districts?—A. Yes.
- Q. And there was a senator elected in what district?—A. I think it is the fourth legislative district.
- Q. No; I will come to that in a minute. What senatorial district is it?—A. I don't know, really.
- Q. You don't know?—A. No; I am not positive.
- Q. What districts, what legislative districts of Luzerne County make up that senatorial district?—A. There is the Hazleton district—
- Q. It is not known as the Hazleton district?—A. The first district, the second district—
- Q. The third and fourth districts, isn't it?—A. The old third district, that is Edwardsville and Nanticoke district.
- Q. That is the fourth district?—A. Yes.
- Q. And the second district?—A. Yes.
- Q. That is Wilkes-Barre Township and the Hanover district. When you got \$125 from James?—A. I think it was \$125, but I am not positive. I think it was the day of election or the day before. I am not sure which.
- Q. I wish you would tell me now how much money you paid to John Fierro. A. I didn't pay any to him.
- Q. Did you give any money to anyone to give to him?—A. I believe I did; I sent some money out there for the twelfth, and thirteenth, and fourteenth wards.
- Q. To whom did you give that money?—A. I think it was Mr. Ruth. He had the tenth—no, the ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth wards, I think.
- Q. How much money did you give him?—A. I don't know; I think about \$100; I had about \$200 for the city of Hazleton—about that.
- Q. I am not asking you that. Did you take a receipt from him?—A. No, sir.
- Q. You paid it to him in cash?—A. Yes, sir.
- Q. What did you do with this money that you got from Jonathan R. Davis; did you deposit it in any bank?—A. Yes.
- Q. Did you draw it all out at one time?—A. No.
- Q. Have you got the checks?—A. Not now.
- Q. Well, you will, please, at the next hearing.—A. I might have some of them.

Q. You will, please, at the next hearing, bring all those checks here, with your bank book.—A. I don't know whether I have the bank book; I know I cashed up at the bank and there was a balance of 12 cents.

Q. If you haven't got the bank book the bank has, and if you haven't the checks you destroyed them, and I want you to have those checks here, and I will excuse you now until you have those checks.—A. I have no checks. I may have a check.

Q. What did you do with them?—A. I don't know where they are. I paid the most of my money in cash.

Q. You drew the money out of the bank?—A. Yes; I drew all that money out of the bank.

Q. I now ask you where the checks are that you drew against this fund that you got from Jonathan Davis?—A. There were no more than one or two checks.

Q. I don't care how many there was.—A. I couldn't say where they are.

Q. Where is your bank book?—A. It might be home.

Q. I now ask you to produce at the next hearing in this case these checks, with your bank book and the stubs of your check book. To whom did you tell Mr. Ruth to give the money?—A. I told him to take care of those wards.

Q. That was the instructions you gave him?—A. Yes.

Q. Did you give him any other instructions?—A. No.

Q. And you gave him \$100?—A. I think I did.

Q. Did you give Joseph Gabrio anything?—A. Yes.

Q. How much?—A. I think it was \$150.

Q. Where does Joseph Gabrio live?—A. In the city of Hazleton.

Q. What is his occupation?—A. Superintendent of the Hazle Township schools.

Q. He lives in the city of Hazleton?—A. Yes.

Q. He is the superintendent of the schools of Hazle Township?—A. Yes.

Q. With an attendance of about how many in the whole of Hazle Township?—

A. About 1,700 or 1,800.

Q. And about how many school teachers are under him?—A. Well, about 60.

Q. That is the man, Joseph Gabrio, then, who occupies the high position of superintendent of the public schools of one of the largest townships in the county of Luzerne; that is the man that you gave \$150 to you say?—A. Yes.

Q. What did you tell him when you gave it to him?—A. I told him to give that to the district committeemen to pay the watchers for Hazle Township.

Q. You told him that you gave him that to pay the teachers of Hazle Township?—A. Yes.

Q. Although he didn't live there?—A. Yes, sir.

Q. Up to that time, then, you had put into Hazle Township \$250 at least, hadn't you?—A. No, sir; that is the only money that went in there.

Q. Didn't Ruth's money go in there?—A. No; that went into the city of Hazleton.

Q. Why didn't you pay that money over to some one who was a resident and a voter of Hazle Township—that \$150?—A. I think he gave it to Mr. Hinkle.

Q. I am not asking that, sir. Why didn't you pay that money to some man who was a resident and voter in Hazle Township—that \$150?—A. I done that way.

Q. Why didn't you do that?—A. Because it was my custom.

Q. That is the only answer you can give?—A. Yes.

Q. Do you know John Evans?—A. Yes.

Q. What is his business?—A. Manager of G. B. Wentz & Co. at Hazlebrook.

Q. Did you give him any money?—A. Yes.

Q. How much?—A. \$110, I think.

Q. Hazlebrook is in Foster Township?—A. Yes.

Q. And G. B. Wentz & Co. are coal operators?—A. Yes.

Q. Do you know William Davis?—A. Yes; I might say that Mr. Evans was my assistant chairman in the fourth district—John Evans, Hazlebrook. I gave him \$110 to pay all the watchers in Foster Township.

Q. Do you know William Davis?—A. Yes.

Q. Did you give him any money?—A. Not a cent.

Q. Who did give him money?—A. Nobody to my knowledge.

Q. No one to your knowledge gave him any?—A. No.

Q. You know that he was very active in this campaign?—A. Yes.

Q. In consultation with you, wasn't he?—A. Once in awhile.

Q. What is his business?—A. Manager for the Lehigh Valley.

Q. Superintendent of the Lehigh Valley Coal Co., isn't he?—A. Yes.

Q. How frequently were you in consultation with him?—A. Once a week or so.
 Q. Did he hold any office in the organization?—A. No, sir; he is one of our principal advisers, you might say.

Q. Of course, he is one of your advisers; being the superintendent of the Lehigh Valley Coal Co., we know that is he one of your advisers. Did you discuss the congressional outlook with him?—A. Yes; I spoke to him about it.

Q. He has hundreds of men employed under him, hasn't he?—A. Yes, sir.

Q. And even thousands of men, hasn't he?—A. Well, he might have.

Q. What is the name of Mr. Davis's clerk?—A. John Crooks.

Q. John Crooks; he is Mr. Davis's clerk?—A. Yes, sir.

Q. Where did he get the money from?—A. I don't know that he had any money until I saw it in the paper the other day.

Q. How much did he get?—A. I don't know.

Q. How much did you see in the paper?—A. I think it was \$90.

Q. \$150, wasn't it?—A. I don't know; I can't remember, but I think it was \$90.

Q. Tell me to who else you gave money.—A. I gave money to Ed. Sugart to take care of Jeddo.

Q. How much?—A. \$10.

Q. Who else did you give money to?—A. I put \$45 in West Hazleton. I think I gave Haynes the rest over there himself.

Q. Have you paid out there yourself—you gave it to someone; you didn't throw it out in the street?—A. Yes.

Q. Well, to who did you give it?—A. To the political workers.

Q. Can you give us the name of anyone to whom you gave it in particular?—A. Not particular.

Q. Have you any recollection of who you gave it to?—A. I think I gave the burgess \$5, but I am not positive.

Q. Who else?—A. That is all I can recollect.

Q. Here is considerable money unaccounted for in West Hazleton, and you can't tell us to whom you gave it. How is that?—A. I gave Haynes some money; I think I gave him \$15, and then I gave the burgess \$5 myself for watching, and I think I gave each district committeeman \$10.

Q. Give us the names of the men.—A. I don't think it is necessary for you to know who our men are.

Q. You are not the judge of what I want to know here.—A. I am not positive; I think it was the burgess in the first and third wards.

Q. I don't want you to repeat time and again the names you have repeated; give the names I want to know.—A. The second ward was—I don't know; the third ward was Hondal.

Q. I am not asking about the wards; I want you to give me the names of the men?—A. That is all I can remember.

Q. How much did you give him?—A. \$10.

Q. That makes \$30?—A. Yes.

Q. Can't you recollect who the rest of the names were?—A. I gave it to the district committeemen; I can't recollect their names.

Q. When did you give it to them?—A. Election day, in the afternoon.

Q. Where?—A. At the polls.

Q. Did you know the men?—A. Yes; I knew the men.

Q. Now you are here testifying as to the place where you gave it to him, and when you gave it to him, and the circumstances under which you gave it to him, and you can't remember who the person was that you gave it to?—A. No; I can't. They change the district committeemen. Give me a minute to think, and I will tell you who it was.

Q. I will give you an hour.—A. It was either a fellow named Lauderhouse or a carpenter in there.

Q. Well, it was either Lauderhouse or a carpenter?—A. Yes.

Q. How much did you give him?—A. \$10, for he gets the watchers; that is, for the two watchers in that district.

Q. Who else would be there?—A. That is all.

Q. Now, you have only accounted for \$40.—A. That is all I gave; \$30 I gave.

Q. Did you give \$30? Haven't you testified that you gave \$45? Did you?—

A. No; I think I gave Haynes \$15—to Charley Haynes; that makes \$45.

Q. Didn't you testify that you paid \$45?—A. Yes; in West Hazleton.

Q. Give us who else.—A. I said I gave Haynes \$15, and I paid out the rest myself.

Q. I want the names of those men to whom you paid it.—A. Herman Handal, \$10, and Mr. Shad, \$10, for two; and I gave this other fellow—

Q. Go on, now.—A. That is \$40—

Q. That is \$45. You say you put into West Hazleton \$45?—A. Yes.

Q. Give me the names of the men, and the amounts you paid out, and who you paid it to.—A. Haynes, \$15; and to each committeeman, \$10.

Q. You gave the burgess \$5?—A. Ten.

Q. Give me the name of the man you made payment to?—A. The burgess, \$10. That was for—

Q. I am not asking you the purpose, what it was. Do you understand my question? I asked you to answer my question, and I want you to tell me the names of the men to whom you paid money. I didn't ask you what for, but what the amounts were you paid them. I will go over it again. Tell me how much you paid to the next man besides Haynes.—A. I gave Shad \$10.

Q. You gave Shad \$10?—A. Yes.

Q. And Herman?—A. \$10 and the other committeeman \$10.

Q. Who was he?—A. I know him well, but I can't recall his name.

Q. What is the burgess's name?—A. Shad.

Q. Haven't you testified time and again that you gave him \$5?—A. I gave him \$5 for himself and \$5 for a watcher.

Q. Haven't you testified here time and again that you only gave him \$5?—A. No.

Q. You haven't?—A. No; I don't think so.

Q. You know that you have? Now, give the names of the next persons to whom you made payments of any money.—A. I gave \$10 at Butler, Upper Lehigh.

Q. To who?—A. Lesser.

Q. He is a mine boss, too, isn't he?—A. I don't know.

Q. What is his first name? Adam?—A. No.

Q. How long have you known him?—A. About two years.

Q. For who does he work?—A. For the Lehigh Coal Co.

Q. What did he do?—A. I don't know.

Q. You don't know that he is a mine boss?—A. No.

Q. What is his first name?—A. I don't know; I think it is German.

Q. German Lesser is his name?—A. Yes.

Q. Is he an old or a young man?—A. A young man.

Q. Do you know a Lesser there, or did you know a Lesser who was a mine boss?—A. I know four of them.

Q. Do you know one who is a mine boss?—A. Yes.

Q. That is Adam Lesser?—A. Yes, sir.

Q. Is he the father of this man?—A. I think he is a brother.

Q. Give me the next man and tell me who he is and how much money you paid to him?—A. I guess that is all.

Q. You haven't accounted for the \$700?—A. Very nearly.

Q. Did you pay any money to anybody else?—A. Not that I know of. I paid hall rent and things like that.

Q. We will come to that in a minute. Have you given the names of all the men to whom you paid money?—A. Why, nearly all, I guess.

Q. Give us those you have not.—A. I don't know whether I named Freeland or not.

Q. I am not asking about villages; I am asking about the men you paid money to?—A. I put \$75 in Freeland.

Q. To who?—A. I think I gave it to Brehm, to give it over there.

Q. Otto Brehm?—A. No; the candidate for the legislature.

Q. You gave that money to him, did you?—A. Yes.

Q. What is his business?—A. Miner.

Q. To who else did you pay money?—A. I paid a couple of livery bills.

Q. I am not asking you what the bills were. To who else did you pay money?—A. To Walter Bray; I think I paid him \$8, but I am not positive.

Q. What does Walter Bray do?—A. He is a liveryman.

Q. Was that for livery that you paid him?—A. Yes.

Q. Who used his livery?—A. I did.

Q. Who else did you pay?—A. I think I gave the manager of the Wagner House \$9 and something for hall rent, and I gave a man in Freeland—I don't know his name or what he is called. I think I paid him \$11 one night for a hall over there, and that is all I can recollect just now.

Q. Have you got any memoranda showing to who you paid this money?—A. No, sir.

Q. You were acting in a fiduciary capacity in the payment of this money?—A. Yes.

Q. You were paying it out for other men, and it was given to you to pay out as a trust fund for other men?—A. Yes.

Q. And you kept no memoranda?—A. Some I did and some I did not.

Q. Have you any memoranda of it?—A. No.

Q. Where is that memoranda, some you did and some you didn't?—A. I haven't any.

Q. Did you have any?—A. I did at that time.

Q. What did you do with it?—A. I don't know what I done with it.

Q. When did you see it last?—A. About a week or so after election.

Q. Where?—A. At home.

Q. What did you have on that memoranda, showing the parties to whom you paid the money?—A. I had numbers on it.

Q. You had numbers on it? And then you had no men's names on it?—A. No, sir.

Q. Do you mean by that No. 1?—A. Yes.

Q. No. 1 so much money?—A. I had in "First ward, so much."

Q. Answer my question, then you can explain. You had No. 1 on, had you?—A. Yes, sir.

Q. And opposite No. 1 so much?—A. Nothing.

Q. Was that all you had on?—A. Some I would have No. 3 and some No. 2.

Q. What for?—A. The number of watchers I had in that ward.

Q. I asked you if you had any memoranda on which appeared the moneys you paid?—A. No, sir.

Q. What do you mean by saying you had memoranda that showed some of the names you had?—A. For instance, if I had "No. 1-2," I knew that meant \$8 or \$10.

Q. I asked you if you had any memoranda of any moneys that you paid, and you said you had some, if I know your testimony.—A. I had Jake Evans; that is the only memoranda I got.

Q. At the time you had memoranda and it showed some of the men's names that you made payment to, didn't you?—A. I meant by that my check book.

Q. I am not asking you that; I would see that.—A. I don't remember whether I did or not.

Q. You don't remember what you said a few minutes ago?—A. I know I had a memoranda, but not the names.

Q. You stick to the question I am asking. You don't remember what you swore to a few minutes ago, is that right?—A. Yes; all I have is one or two names on the check book.

Q. You have a check book then?—A. I have a bank book.

Q. Is it a check book or a bank book?—A. A bank book.

Q. Did you have a bank book, and on that bank book does it show the names of one or two men that you paid money to?—A. That I gave a check to.

Q. The bank book did?—A. Yes.

Q. What were those names?—A. The Plain Speaker, I think, I paid a couple of dollars to for advertising.

Q. That was on the bank book?—A. I think you will find it on the bank book; the Sentinel and the Standard Publishing Co.

Q. How much?—A. I think each ran about \$22.

Q. Give us the sums on each. I am not asking you how they run.—A. The Sentinel bill sent in I think was \$19.10.

Q. I am not asking you that, sir. Will you answer that question?—A. The Plain Speaker—

Q. Wait a moment. I want you to give me the names that appeared on that bank book.—A. I am just telling you. The Plain Speaker—

Q. One moment. Give the names that appeared on the bank book, and the amounts you paid to the people bearing those names on the bank book.—A. The Plain Speaker Publishing Co., \$29.70 I think it was. I think that is one; and I think I gave Kraft, of the Standard, \$10. But I am not positive about that.

Q. Do these appear in your bank book?—A. I think they do.

Q. Only these two?—A. Outside of Jake Evans, I think I gave Gabrio a check.

Q. Does Evans's name appear in the bank book?—A. I am not positive, but I think it does.

Q. Does Gabrio's name appear in your bank book?—A. No.

Q. Did you pay any other moneys to anyone else?—A. Not that I recall.

Q. You have testified here that you got altogether about \$825. You have accounted for, under your own figures, not quite \$500 that you have paid out?—A. More than that.

Q. Pick it out and add it up for yourself.—A. \$200 in the city of Hazleton and \$150 in Hazle Township.

Q. \$200—did you pay \$200 to anyone in the city of Hazleton?—A. No; that is what went into the city.

Q. I am insisting upon your giving me the names, and I will insist upon getting that from you, regardless of the localities. I want you to give me the names of the persons to whom you paid money in addition to what names you have given here. Can you give it? Answer my question.—A. I don't know what he has got there.

Q. I want you to give me the names, in addition to those you have given me, of the men to whom you paid money.—A. What have you got there?

Q. You don't know what you have given; is that right?—A. I think I accounted for nearly \$700.

Q. I am not asking you that. You don't know what you have given these amounts to; what names you have given?—A. I gave you the whole district.

Q. I will give you the names and the amounts that you have testified to yourself: \$100 that you gave for Hazle Township.—A. \$150—that is wrong.

Q. That is, \$100 for Mr. Ruth; \$150 for Gabrio; \$110, Evans; \$10, Jedd; \$45 to different parties in West Hazleton; \$10 to a man up in Upper Lehigh; \$75 to Brehm; \$8 you gave to Bray, and \$9 for hall rent; \$29.70 to the Plain Speaker, and \$10 for the Standard. Now, give me the names of who else you have paid money to.—A. I gave a man by the name of Shiva \$10 for putting up cards.

Q. Where does he live?—A. Hazleton.

Q. Go on.—A. I gave each of the district committeemen, over the others I have said, \$10 for each of their 10 districts.

Q. Give me the names of the men.—A. Well, I can't.

Q. Well, go on and tell the amounts that you gave these different individuals.—A. I gave them \$10 for each district.

Q. How many did you give that \$10 to?—A. Eleven districts, I think.

Q. That is \$110, is it?—A. Yes.

Q. Who else did you pay?—A. That is all.

Q. These 11 districts you mean are in the city of Hazleton?—A. Yes; there are 16 districts in all.

Q. I am not asking you that. Will you answer my question? I am only referring to what you said here, that you paid \$110 to the committeemen in Hazleton, aside from the \$10 you mentioned for putting up cards.

Mr. JONES. He didn't say that. He said he gave Ruth, for six wards, \$100, and for the other 11 districts he gave \$10 apiece to the committeemen. You made it appear by your statement that he paid \$10 to each district in Hazleton.

Mr. LENAHAN. No; I don't anything of the kind, now. Not at all.

Mr. JONES. \$110, according to your account, covers the whole city of Hazleton.

Mr. LENAHAN. No; it don't. Now, we will see what you did with the rest of that money. According to the statement you have given here, as to the men you paid the moneys to, it shows that you paid \$606.70. Tell me what you did with the rest of that \$825.

Mr. JONES. It shows a good bit more than that. The money that he paid out for poll men is \$810, without the hall rent or anything else; \$100 to Ruth; \$150 to Gabrio; \$110 to Evans; \$45 to West Hazleton; \$10 to Upper Lehigh; \$75 to Freeland; \$10 to Shiva for putting up cards; \$110 for 11 districts to the committeemen in the 11 districts; that makes a total of \$610, and it does not include the \$8 for Walter Bray; \$9 for hall rent; \$11 for hall rent, or the \$29.75, or the \$10 paid to the newspapers.

Mr. LENAHAN. I want to see whether he put this money in his pocket, or whether he went out and bought Democratic votes.—A. I had plenty of chances if I wanted to.

Q. I know you had, but you wanted it worse than any Democrat. We will smoke out these fellows who are living on the county and then going around and corrupting Democratic voters. Now the figures you have given here amount to \$677 according to the calculations of your own lawyer—or rather of the lawyer of the contestee here—it shows from your statement that you have paid

out \$677. Please tell me what became of the rest of the money.—A. What money?

Q. That you received from Jonathan R. Davis and Senator James.—A. For Senator James's money I put a watcher in each district.

Q. I have told you time and again to give me the names of all the men to whom you paid money and you gave them. Have you any other names to give now?—A. I put a watcher in each district for Senator James and that has nothing to do with this case.

Q. Yes, sir; it has. Have you some other names to give, to whom you paid money?—A. I had a special watcher in each district for Senator James.

Q. Have you got any other names, Mr. Guscott, to give that you paid political money to in that canvass?—A. I had a man in every district and some of them I could name and some I could not.

Q. Will you give the names of the men and the amounts?—A. I gave each of them \$5.

Q. About how many?—A. About 30.

Q. Give us the names of some.—A. Otto Meiss, is one at West Hazleton, and Crooks.

Q. Wait a moment, that is the Crooks that is a clerk?—A. No; it is not.

Q. Another Crooks is it?—A. Yes.

Q. What does that Crooks do?—A. He works in the mines, I think.

Q. How much did you give him?—A. \$5.

Q. Go on.—A. Balser Miller, \$5; Spencer, \$5; he would not take it and I took it back. He said he was offered \$50 from the other side, and they couldn't get him.

Q. I want you to give me the names of the men that you gave the money to.—A. I gave Frank Miller, I gave him \$5; I gave an Italian in the fourth ward, Joe Gregory, I gave him \$5; and Johnny Leo, \$5 in the fourteenth ward, and that is the only \$5 I put in there, too, by the way.

Q. Have I asked you how much you put in there by the way, or in the way, or on the way? Have I?—A. No, sir.

Q. Well, will you kindly answer my questions and nothing else?—A. I gave Joe McCoola \$5 in the twelfth ward; and I gave John Bray in the tenth ward \$5; and John Spooora in the ninth ward and McGinty in the ninth ward, I don't know what his first name is; in the eighth ward I think—no; it was not Dan Bowman—Bill Walton, I think, is his name, \$5 I gave that man. In the sixth ward was John Calloway; in the seventh ward John Nelk; and in the fifth ward I put \$5, but I don't know what his name was. That is all in the city of Hazleton.

Q. That is all in the city. Now give us the names of all the others that you gave \$5 to in addition to the names you have mentioned.—A. I can't recall any more. There are a couple of fellows at Freeland that I know to see, but I don't recollect their names.

Q. Now, you say that you had \$150 for James specially.—A. No; I didn't pay that much.

Q. Haven't you testified that you paid 30 watchers?—A. That it was about, that it was 25 or 30 watchers; I am not positive, but in that neighborhood.

Q. Then you paid between 25 and 30 watchers for Mr. James?—A. Yes.

Q. How many watchers did you pay to act for Mr. Bowman directly?—A. Not any.

Q. Then, although you had considerable of Mr. Bowman's money—A. I don't know whose money it was; I paid these men, all of them, for the regular straight ticket.

Q. Did you pay any money to watchers at all for Mr. Bowman for watchers?—A. No.

Q. Not one?—A. No.

Q. If there were special watchers in many of these places for Mr. Bowman they were men you hadn't paid?—A. Yes.

Q. And if they were paid some one else paid them? Is that right?—A. Yes.

Q. Do you know of Fiero getting any money?—A. No.

Q. Did you hear of his getting any money?—A. No.

Q. Did the men who gave money, like Gabrio and Ruth, render any account to you of whom they paid the money to?—A. No.

Q. Nor did you ever ask them to?—A. No.

Cross-examination by MR. JONES:

Q. How long have you been district chairman for this district?—A. Four years, I guess it is altogether.

Q. You say that you gave Joseph Gabrio, who lives in the city of Hazleton, \$150 to employ watchers for the township of Hazle.—A. Yes, sir.

Q. With reference to the city of Hazleton where is Hazle Township?—A. Right close to it.

Q. Do you know what the population of Hazle Township is?—A. It is about 14,000.

Q. What is the population of Hazleton?—A. About 24,000.

Q. This money that you paid to Mr. Evans and Mr. Ruth and Mr. Gabrio, and the money that you paid out to these men whom you mentioned individually was for them as poll men and watchers, do we understand that?—A. Yes; for the whole Republican ticket. Mr. Brehm, as Representative, and Mr. Bowman—

Mr. LENAHAN. What is the difference between poll men and watchers?

A. No difference, I guess.

Q. No difference at all, is there?—A. Well, a watcher is specially appointed, I suppose, for the candidate.

Q. A watcher is appointed for the candidate; is that it?—A. Yes.

Q. And poll men are specially appointed for the candidates, for all the candidates; is that it?—A. Yes.

Q. You have been four years you say chairman down there, have you?—A. I have been looking after the district; yes.

Q. And you know that the employment of special watchers is resorted to under the guise of bribing the alleged special watchers to support certain men. You know that is the common understanding of a special watcher, don't you?—A. No, sir.

Q. Then why is it that distinction is drawn by you, as it has been here, between the poll men and watchers?—A. When I appoint a poll man he is supposed to look after the whole ticket in that district.

Q. And when you appoint watchers?—A. I call them special watchers when they are appointed for a certain candidate.

Q. And that special candidate puts up special money for them, don't he?—A. He is supposed to, supposed to pay \$10.

Q. \$10 he is supposed to pay for each special watcher?—A. He is not supposed to, but he can.

Q. And \$5 for the poll men?—A. No; \$5 for each poll man, and \$5 for each watcher. That is all they get down our way; I don't know what they get at other places.

ROBERT BOWEN, called on behalf of contestant, and duly sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

Q. You are chairman of the sixth district of this congressional district?—A. Yes, sir.

Q. That is the district that Mr. Bowman is contestee in now?—A. Yes, sir.

Q. How much money did you get from Jonathan R. Davis?—A. I got a check for \$500.

Q. How much money did you get from him?—A. \$75.

Q. When did you get that \$500 check?—A. I think the Sunday before election, if I remember right, but I can't say.

Q. When did you get the \$75 in cash?—A. The same day.

Q. Was that by mail?—A. No; in his office.

Q. You came down here to Wilkes-Barre—you live in Duryea?—A. Yes.

Q. Then you came down to Wilkes-Barre and he gave you a check for \$500 and cash to the amount of \$75?—A. Yes; but I did not come down for that purpose. He told me that the next time that I was down to call in.

Q. Did you get money from any other quarter?—A. No.

Q. From no other source?—A. No.

Q. I wish that you would go on and tell us—what is your occupation?—A. I am a driver boss.

Q. In the mines?—A. Yes.

Q. For what company?—A. For the Lehigh Valley Coal Co.

Q. And you are also jury commissioner?—A. Yes.

Q. The duties of a jury commissioner in Pennsylvania are to fill the wheel and draw the juries?—A. Yes.

Q. I wish you would go on and tell to whom you paid this money and in what amounts?—A. I paid to Mr. Holcomb—that is, I gave him a blank check.

Q. Who is he?—A. L. P. Holcomb, I understand that he was to take care of West Pittston.

Q. How much did you give him?—A. I gave him a check for \$90—that is, I gave him a check for \$90, but left the name blank.

Q. You gave him a check with the name of the payee blank?—A. Yes.

Q. Who filled that out?—A. This is to W. B. Evans; he is a reporter on the Gazette.

Q. We want to get the money you paid?—A. I gave J. H. Anderson \$80; he was running for the legislature.

Q. He was running for the legislature?—A. Yes; I gave Evans a check for \$30.

Q. Is this the same party that Holcomb filled out a check to?—A. No.

Q. Who is he and where does he live?—A. He is a deputy in treasurer's office.

Q. He is chief deputy in the county treasurer's office?—A. Yes, sir.

Q. Where does he live?—A. In Forty-Fort; I gave him \$30 to pay the watchers in Forty-Fort.

Q. I am not asking you for that, only for the amounts and the names.—A. I gave him \$30 for Wyoming.

Q. Then you gave him \$60 altogether?—A. Yes; in two separate checks. I was unable to get up there myself and I had him to look after it. And I gave Henry Miller \$30 for Swoyersville.

Q. What does he do?—A. I am not positive about that, but I think that he is a fire boss.

Q. He is a fire boss under the Lehigh Valley?—A. I think that he is a fire boss for one of the coal companies.

Q. He is a fire boss for one of the coal companies, and he is a justice of the peace, too, isn't he?—A. Yes; and I gave William O'Boyle \$25.

Q. Where does he live?—A. Duryea

Q. What does he do?—A. He is a miner.

Q. He is a Democrat, isn't he?—A. No, sir.

Q. Does he profess to be a Republican?—A. Yes, sir.

Q. Where does he live?—A. In the fourth ward of Duryea.

Q. Whom else did you give money?—A. I gave Charles Rogers four checks of \$5 each, and I left the names blank for him to take care of watchers there.

Q. Where was that?—A. That was in Duryea borough. I gave Adam Korn a check for \$25 or \$30—I am not positive about that check—to take care of watchers, one in the fourth ward, two in the second, and three in the first ward. It was a club there.

Q. What club is that?—A. The Republican Polish Club, of Duryea.

Q. There is a Republican Polish Club in Duryea?—A. Yes.

Q. Who is the president of it?—A. The president is—now, I can't just think of his name.

Q. Is this man a member of the club?—A. Yes.

Q. Is he an officer of it?—A. I think not; I don't think so.

Q. Did you have negotiations with the club about their vote?—A. I talked with the club. I talked with Laborsky and other members of the club.

Q. What does he do?—A. He is a Polish professor up in Duryea.

Q. Professor of what?—A. Schools.

Q. A school-teacher?—A. Yes.

Q. Did you ever meet the club as a club?—A. I did.

Q. How much money did they want from you?—A. They didn't make any request for money, only that they had picked out six watchers.

Q. Now, the money that was paid to those six watchers you gave to Adam Korn?—A. Yes.

Q. And he is a member of the club?—A. Yes.

Q. Was that the way it was arranged—that he was to get the money?—A. It was arranged that way, yes; that night after Mr. Bowman and I had left the meeting.

Q. So that you and Bowman went up to the club to enter into negotiations to get them?—A. No; not to get them at all, because they were already going to vote for him.

Q. When were they got?—A. They are Republicans at all times.

Q. The club is a Republican club? Don't you know that the club has negotiated year in and year out with every political party for money?—A. I know that McLean had a dicker in to get them.

Q. And you made up your mind that you were going to outdicker him? Is that it?—A. No; I didn't make up my mind to anything of the kind.

Q. Who told you that McLean had dickered with them?—A. One of the members.

Q. Who was he?—A. The Polish professor.

Q. Who is he? Give us his name.—A. Prof. Newarsky.

Q. He told you that Mr. McLean had dickered with them?—A. Him or his agent.

Q. Who?—A. I didn't ask him.

Q. Was that before you and Mr. Bowman got there?—A. Yes.

Q. How long before?—A. Possibly a week before.

Q. And then he said you had better bring Bowman up, didn't he?—A. No; he didn't. It was me suggested taking Mr. Bowman up.

Q. What did you take Mr. Bowman up there for?—A. To introduce him to the voters.

Q. But you didn't think about that until this professor, as you call him, had told you that an agent of Mr. McLean was dickered with the club; is that it?—A. No; it is not it. I didn't have to wait until he told him. I knew it was going to be a benefit.

Q. But you didn't do that until after you found that out?—A. No; but that is not what prompted me to do it.

Q. I am not asking you for your motives; you didn't do it until after you found that out?—A. No; but that is not what prompted me to do it.

Q. Did you and Mr. Bowman meet the club?—A. Yes.

Q. And after you and Mr. Bowman met the club it was arranged that you were to give them \$30?—A. No; it was not arranged. Mr. Bowman knew nothing about my giving them \$30.

Q. But you knew yourself?—A. I did the next day, when Korn came and told me of the arrangements.

Q. What did he tell you?—A. That they had arranged to pick out six watchers.

Q. And he wanted the money?—A. Yes; and I gave him a check.

Q. Did you know who these watchers were?—A. Yes; one by the name of Joe Kachinsky, in the fourth; John Dedno, and Theodore Mashinsky also, in the second. In the first ward, Tom Korn himself and the Polish professor, I think he told me, but I can't just think of the other man, but there was another man there in the first ward.

Q. Didn't Mr. Bowman carry on a coal operation in the neighborhood of Duryea?—A. I don't know anything about it.

Q. You don't know that he was interested in a coal company near Duryea?—A. No.

Q. You never heard that?—A. No; I don't know anything about him. I never met him until he was a candidate, and I do not know anything about him.

Q. There was considerable beer went around among the boys that night at this meeting of the Polanders, wasn't there?—A. At the meeting?

Q. Yes.—A. There was none while I was there.

Q. And after the meeting?—A. I couldn't say as to that; there was a box of cigars there that I got.

Q. Was there any beer paid for by you or anyone that you know of at that meeting?—A. No.

Q. And no one bought any booze?—A. No.

Q. About how many members of the club were there?—A. I should judge there was about a hundred men there—between 75 and 100 men.

Q. Give me your other expenditures, and to whom they were made.—A. Well, I gave Major Kauffman \$30.

Q. Major is his Christian name; it is not a military title, is it?—A. I don't know; he keeps a store in Exeter Borough.

Q. Do you know him?—A. I know that I have seen him; I gave him some blank checks.

Q. How long have you known him?—A. That was the first that I met him; I went to his store.

Q. And you gave him \$30?—A. I gave him checks; I think that it was for \$30. No; I gave him \$20.

Q. You never knew him before?—A. No; I gave him four checks.

Q. Who introduced you to him?—A. Nobody; I introduced myself.

Q. Who else did you make payments?—A. I gave Holcomb the other two checks.

Q. What Holcomb?—A. Lee Holcomb.

Q. How much?—A. Two blank checks.

Q. How much were the amounts?—A. Two \$5 checks, and he put the names on them.

Q. To whom else did you give checks?—A. I gave Metcalf \$5 and George Wynn.

Q. Who is Metcalf; what does he do?—A. He works as a fire boss.

Q. For whom?—A. The Pennsylvania.

Q. You struck another coal company in there?—A. Yes; but he don't work in our district; he couldn't influence any votes in there.

Q. Who was the other man that you gave \$5 to?—A. The other?

Q. Yes.—A. George Wynn.

Q. What does he do?—A. He is a miner.

Q. For whom?—A. For the Pennsylvania; no, he is a check weighman. He is for the miners just the same.

Q. That is what he says, but the miners would not say that.—A. I think they would.

Q. Give us some one else.—A. I gave Dr. Church \$40. He lives in Luzerne Borough.

Q. And you gave him \$40?—A. Yes. And he took care of four districts there.

Q. What job has he got under the Republican organization?—A. I couldn't say.

Q. Don't you know that he is appointed by the State, by the Republican governor, as State veterinarian?—A. I never heard of it.

Q. To whom else did you give money?—A. I gave W. W. Hall two checks for West Wyoming.

Q. He is a lawyer?—A. Yes; he was acquainted with the chairman there.

Q. How much did you give him?—A. \$20 I think, or \$15 or \$20; I am not sure about that.

Q. To whom else did you pay any money?—A. That is all, I guess.

Q. That list that you got before you shows the money paid out?—A. No; this is just the county committeemen's names that I have here, just a reference.

Q. Did you receive any money at all from Mr. Bowman?—A. No, sir; not a cent.

Cross-examination by Mr. JONES:

Q. You have testified here that you have given certain checks in blank. Do you mean that you left the amounts of money blank in each one?—A. No; I made the amounts.

Q. You gave them to persons who knew the watchers to be appointed?—A. Yes; and I gave with the instructions that they were to pay \$5 to each poll man.

By Mr. LENAHAN:

Q. Have you given all the moneys you paid out and the amounts, and the persons to whom you paid it?—A. I think so, as near as possible. I had a check for \$500, and of that amount there was a balance of \$5 in the bank.

Q. Have you given the names of all?—A. Yes, I have; I have given the names of all. That is, of the \$500.

Q. I am not asking about the \$500 or \$75. I asked you if you have given the names of all the men to whom you gave money.—A. No; I have not.

Q. Give the others.—A. I have given it within \$5 of the \$500 I put out. The \$75 that I got from Mr. Davis—he gave me \$75 later for the district. That made \$575. The \$500 I used for Mr. Bowman and the rest of the candidates. The other \$75 I used in the interest of Tener for governor.

Q. To whom did you make these payments?—A. I spent that around in different places.

Q. To whom did you make these payments?—A. I don't know.

Q. Did you pay anything to anyone with that \$75?—A. I did.

Q. And you paid \$75 out in the interest of Tener for governor?—A. Yes, sir.

Q. And you can't give me the name of a man that you paid any out to?—A. I can't recall exactly.

Q. You can't recall the name of one man?—A. Yes; I can; one.

Q. Give it to us?—A. William O'Boyle.

Q. You gave him \$25?—A. Yes.

Q. Did you give him any more than that?—A. Yes, sir; \$10.

Q. For what?—A. For Tener.

Q. Then you gave him \$35 altogether?—A. Yes.

Q. Who else did you give any to of the \$75?—A. I can't say; I didn't pay that out in check; I paid the rest out in check.

Q. To whom else?—A. I couldn't say.

Q. I have figured it up on this \$500 from which you say you made these different payments, and I have made \$430. What did you do with the rest?—A. If you read it out I think that I can explain the rest.

Q. I will read it out to you: Holcomb \$90—A. I didn't give that check to Holcomb; that check was made out to Evans.

Q. That is all right; that is on record here. You gave the check to Holcomb, and he filled Evans in?—A. I gave Holcomb \$40 besides what is on there.

Q. How much did you give Holcomb altogether?—A. I gave him two \$5 checks for Exeter, and I gave him \$30 or \$40. I am not sure, but about that amount, for to help me out in the sixth district.

Q. In your district?—A. Yes, sir; to use in West Pittston.

Q. Admitting that you gave him \$30 or \$40, it is still not accounted for.—A. How much is the balance?

Mr. JONES. If you gave him \$40, it brings it up to \$470.

Q. What did you give Holcomb, how much? Where did the rest go to? That makes \$460 or \$470, where did the rest go to?—A. I gave William Jones \$10.

Q. For what?—A. For himself and to hire one pollman.

Q. In what ward?—A. In the second ward of Duryea Borough.

Q. Who else?—A. I got Metcalf, haven't I? I gave William Anderson \$10 in the fifth ward, \$5 for himself and \$5 for one pollman. The fifth ward of Duryea Borough.

Q. Who else?—A. I gave Charles Rogers \$5, later on in the afternoon, and I had \$5 balance in the bank.

Q. Chief of Police Cosgrove lives in your borough?—A. Yes, sir.

Q. How much did he get out of this?—A. I saw in the paper where he got \$150.

Q. Is that the first that you knew of it?—A. Yes.

Q. Did you see him on election day?—A. Yes.

Q. Where did you see him?—A. Around the third, fourth, fifth, and second wards, and I think the first.

Q. What was he doing?—A. Electioneering.

Q. Was he electioneering for Mr. Bowman?—A. No; for McLean. I think so, anyway.

Q. But you know that it has been said here that he got \$150 from Bowman?—A. Yes, sir.

Q. How long have you known Mr. Cosgrove?—A. Since he came back from the Philippine Islands.

Q. And he is a well-known Democrat up there?—A. No; I think that he is a Republican.

Q. A Republican? Do you say under your oath that Cosgrove is a Republican?—A. I can recall an instance not very many years ago that he was elected on the Republican ticket for constable.

Q. Do you say under your oath that he is a Republican?—A. I know he voted for me.

Q. Do you say that Cosgrove is a Republican?—A. From that he is a Republican; yes, sir. He takes a Republican ballot I know.

Q. Do you remember of seeing him at Democratic county conventions as a delegate on several occasions?—A. I never was at Democratic county conventions.

Q. But you were in town?—A. Yes.

Q. And do you say that Cosgrove was not a delegate to Democratic county conventions?—A. Yes; I remember that he was, but that would not make him a Democrat all the time, though.

Cross-examination by Mr. JONES:

Q. How many polling places are there in the legislative district of which you were chairman for the Republican Party?—A. Fifty-two.

Q. Take the town of Duryea, what is the population of Duryea?—A. I think the census shows between seven and eight thousand.

Q. The towns of Wyoming, Forty-Fort, Exeter, West Pittston, they are all in your district?—A. Yes, sir.

GEORGE WAGNER, recalled by contestant.

Examination by Mr. LENAHAN:

Q. Mr. Wagner. Jonathan R. Davis has returned \$560 to "Lewis Edwards, third legislative district," what does the record show?—A. \$560 to Lewis Edwards, third legislative district.

Mr. JONATHAN R. DAVIS. That is an error on my part.

Mr. LEWIS EDWARDS. Jonathan is an old-time chairman, and it was the old third district.

Mr. LENAHAN. We are not inquiring now as to whether it was new or old.

Dr. LEWIS EDWARDS, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

Q. You were the Republican chairman in the third district?—A. No, sir.

Q. Of the second district?—A. No, sir.

Q. Then, of the fifth?—A. That is right; yes, sir.

Q. You were not the chairman then, were you, last year, in 1910, of the Republican district committee of the third district?—A. No.

Q. Jonathan R. Davis has turned in that he paid you \$560 for the third legislative district? How much money did Jonathan R. Davis pay you?—A. \$560.

Q. Did he pay you by cash or by checks?—A. Checks.

Q. How many checks did he give you?—A. Two.

Q. When was it that he gave you the first?—A. About November 3.

Q. When was it that he gave you the rest?—A. I don't remember, but between that time and election, which was, I think, on the 5th.

Q. The election was not on the 5th?—A. I think it was on the 5th I got it.

Q. I wish you would go on and give us the names of the men and the amounts that you paid this money; this \$560.—A. Plymouth township, \$120.

Q. To whom did you pay it?—A. Morgan B. Lewis.

Q. What does he do?—A. Works in the mines.

Q. Is he the man that ran for the State senate?—A. No, sir.

Q. For whom does he work?—A. The D. L. & W.

Q. What does he do?—A. I think that he is a foreman for the D. L. & W., mine foreman.

Q. Mine foreman for the D. L. & W.?—A. Yes, sir.

Q. Go on to the next?—A. Morgan B. Lewis, Plymouth, \$260.

Q. The same man?—A. Yes.

Q. Is that all you paid him altogether?—A. Yes.

Q. The D. L. & W. Co. have large operations down in that section, have they not?—A. No; I don't think so.

Q. They have at Edwardsville and all along there?—A. That section is at Avondale, but it is not large.

Q. But they have coal operations there, have they not?—A. Yes; where he is; he is at Avondale.

Q. He is a mine foreman at Avondale?—A. That is what I hear he is; I don't know it to be a fact.

Q. Avondale is a village in the township of Plymouth?—A. Yes, sir.

Q. Dependent chiefly upon the Avondale mines?—A. Yes.

Q. And there are a large number of men that work in the Avondale that live in Plymouth borough, are there not?—A. I could not tell you that, I could not say.

Q. Part of the township of Plymouth is in Avondale?—A. Yes.

Q. What election district of Plymouth township is Avondale in?—A. I don't know.

Q. Go on and tell us the next man.—A. David T. Davis.

Q. That name seems quite familiar to me. He is not a mine foreman?—

A. I don't think so.

Q. What does he do?—A. I think that he is inspector of mines.

Q. He is the mine inspector. Under whom?—A. Under Mr. Roderick.

Q. And he is appointed by the governor?—A. No; he is elected by the people.

Q. And he is a mine inspector whose business it is to look after the welfare of the mines and the health of the workmen and the lives of the workmen?—

A. I couldn't say that myself.

Q. I say that is his business?—A. He doesn't do that for the men—

Q. That is the position and the business he has. He has charge of a certain mining district, covering what territory?—A. Yes; that is his business; I don't

know what mines he has, but he has the Edwardsville mines, and the Kingston Coal Co., and the Dunn Coal Co., at Larksville, and the Lackawanna.

Q. Where does he live, in Larksville?—A. No.

Q. Where does he live?—A. I think on Carey Avenue, in the city of Wilkes-Barre.

Q. And Larksville is on the other side of the river, is it not?—A. Yes, sir.

Q. And between that and Wilkes-Barre there are several municipalities, are there not? Kingston, Edwardsville, and Dorranceton?—A. Yes.

Q. And it lies to the west of Edwardsville?—A. Yes, sir.

Q. You gave him how much?—A. \$140.

Q. You gave him \$140 to spend in Larksville, did you?—A. Yes, sir.

Q. His powers as mine inspector are very great?—A. Yes; I think they are.

Q. And among other things you know he can close a mine up?—A. I don't know that. I know that my dealings with him has been the other way.

Q. He tried to close your mines up. In this connection I desire to say that I will have read into the record a portion of the act relating to the duties of the mine inspector, and his powers and authority. And you gave this man who holds this highly and important position and office, with a salary of I think about \$3,500 a year at least, you gave him \$120 to spend in the election in a borough where he doesn't live?—A. No; \$140.

Q. In a borough where he doesn't live?—A. Yes.

Q. It being at least 3 or 4 miles from the city in which he lives, Wilkes-Barre?—A. I think so. That is where he works, over there.

Q. And the works he, as mine inspector, has control of are located there in the neighborhood of Larksville?—A. Yes; he has the D. & H., I think.

Q. To whom else did you give money?—A. Richard Jones.

Q. What does he do?—A. He works for the Kingston Coal Co.

Q. What does he do?—A. I think he is a mine foreman.

Q. How much did you give this mine foreman?—A. I gave him \$100.

Q. Where does he live?—A. Atlantic Avenue, Edwardsville.

Q. Where was he to spend that money?—A. In Edwardsville Borough, and \$5 of it in Larksville Borough in the old fourth east. I don't know what that is now, but at Larksville Corners.

Mr. JONES. Adjoining Edwardsville Borough?

A. Yea.

Q. Who else?—A. Evan Morgan, Kingston.

Q. What does he do?—A. I think that he has a position in the courthouse.

Q. How much did you give him? I bet you didn't give him \$100?—A. \$50.

Q. He is also tax collector in Kingston?—A. I think he is tax collector and assessor over there.

Q. He lives in Kingston Borough, don't he?—A. Yes.

Q. Go on to the next, Doctor.—A. I spent \$20. I gave T. H. Williams \$20.

Q. Who is he?—A. He is superintendent of the Kingston Coal Co.

Q. Extremely modest for a superintendent. Who else?—A. Thomas Kennedy, \$5.

Q. Who is the assistant chief of police?—A. Yes; he lives in the second ward.

Q. He is the man indicted here at one time for ballot-box stuffing?—A. I don't know whether it went that far or not; you know more about that than I do.

Q. He was charged with ballot-box stuffing, wasn't he?—A. He wasn't indicted for it, was he?

Q. He was charged with it?—A. I don't remember.

Q. What was the charge against him?—A. I don't know. He was arrested, but what about I don't know.

Q. He was charged with fraud in the election?—A. I don't recall it.

Q. At the time of Mr. Salsburg's election, in 1906, wasn't he charged with fraud in the returns?—A. I don't know.

Q. You knew that he was arrested, didn't you?—A. I knew that he was going to be, but I thought he left town. That is, I heard he was going to leave.

Q. Go on with the others. First, he is the assistant chief of police?—A. Yes; he is an officer.

Q. You know, in addition to what you paid him, he got from Jonathan R. Davis, Thomas Kennedy, the assistant chief of police of Edwardsville, it appeared here, got \$80 from Jonathan R. Davis. You are now speaking of the assistant chief of police, Kennedy, also, that you say you gave how much?—A. \$5.

Q. Go on with the next, Doctor.—A. I don't recall any others but what I had myself.

Q. What do you mean, you had yourself?—A. That is the money I spent in paying watchers. Understand this was not Bowman's money.

Q. I am coming to that in a minute. Now, I wish you would give me specifically how much money you got for Mr. Bowman?—A. \$560.

Q. Then this \$560, these moneys that you have given now is the \$560 you got to use for Mr. Bowman?—A. No; that is a lot more than that.

Q. Whether the \$560 is what you got to use for Mr. Bowman?—A. Yes; I got \$560 to use for Mr. Bowman.

Q. And the sum over and above that, that you have mentioned, what was that for?—A. For Senator James.

Q. That was in the senatorial fight?—A. Yes.

Q. To go over the question again, I wish you would give me the moneys you gave these different men you mentioned here for Mr. Bowman's interests.—A. \$100 in Plymouth Township, \$200 in Plymouth Borough, \$100 in Larksville Borough, \$100, \$95 of which was to go to Edwardsville Borough and \$5 for Larksville, and \$10 I spent myself, and \$50 for Kingston.

Q. That was all for Bowman?—A. All for Bowman.

Q. And that was in addition and over and above the moneys you spent paying the regular watchers to stand at the polls for the regular county ticket?—A. No; that was for the watchers. These men had charge of these different districts.

Q. That is, these mine foremen and mine inspectors and mine bosses that you have mentioned?—A. Yes.

Q. What other moneys did you spend in that election?—A. Besides that \$560, \$50 that I recall. I have given an account of \$10. I mean \$40, besides that.

Q. Did you give any other moneys?—A. This \$10 paid to Richard Powell, county detective.

Q. What was that for?—A. To use for Senator James.

Q. That was in the senatorial fight and was to be used for Mr. James?—A. Yes.

Q. To whom else?—A. I don't recall anybody else.

Q. Now, let us see. How much money did you get altogether. You got \$560 from Jonathan R. Davis, the county chairman?—A. Yes; I don't recollect what I got from Mr. James.

Q. Did you get any other moneys from any other source—State contribution or private contribution?—A. No.

Cross-examination by Mr. JONES:

Q. You spent altogether, as chairman of the fifth legislative district, for the purpose of having the polls manned, about \$700 in your district?—A. These moneys that I have mentioned?

Q. It is approximately \$700?—A. Yes.

Q. Your district comprises the borough of Plymouth, township of Plymouth, Larksville, Edwardsville, and Kingston. Kingston is only in the congressional district. What is the population of Kingston Borough?—A. I think it is about 6,000.

Q. What is the population of Edwardsville Borough?—A. Between 7,000 and 8,000.

Q. What is the population of Larksville Borough?—A. About 5,000.

Q. And Plymouth Township?—A. I don't know.

Q. The population of Plymouth Borough is how much?—A. About 18,000.

Q. How many polling places in that legislative district?—A. Thirty-seven; I am doubtful about Plymouth. I—

Q. And all the money that went into that district for all purposes from your hands was approximately \$700, in those 37 districts?—A. Yes; those that I have mentioned; you can pick them out.

JAMES QUINN, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. You are the chairman in what legislative district?—A. The second.

Q. Of the Republican organization?—A. The second district.

Q. How much money did you receive?—A. \$400.

- Q. From whom did you receive it?—A. Jonathan R. Davis, chairman.
 Q. Did you receive it all at one time?—A. Yes.
 Q. In cash or by check?—A. Check.
 Q. Check for \$400?—A. Yes.
 Q. When was it you received it?—A. I think it was Wednesday or Thursday before election.

Q. Will you give me the names of the men to whom you paid that money, including Hanover Township?—A. I can give you the names of some; I can't remember them all. I have an account at home.

Q. You have an account at home?—A. Yes.

Q. We will waive your examination for the present.—A. I would sooner you would.

Q. You bring that account down here to-morrow morning?—A. All right. I have checks for those I paid.

Q. Checks for \$400?—A. No; some I handled myself. Some of the poll men I paid in cash.

JOHN KARBOSKI, called on behalf of the contestant and duly sworn by Commissioner Opp.

Examined by Mr. LENAHAN:

Q. Mr. Karboski, what district of the Republican organization, what legislative district, were you chairman?—A. The fourth.

Q. How much money did you receive?—A. \$550.

Q. From whom did you receive it?—A. Jonathan R. Davis.

Q. All at one time?—A. No.

Q. Go on and tell how and when it was paid to you and how much on each occasion.—A. I got \$500 about one week before election and \$50 three days before election—two or three days before election.

Q. When you got the \$50 two or three days before election, did you have any of the \$500 left?—A. I don't think that I had.

Q. Go on and tell me to whom you paid that money and how much you paid each person.—A. I couldn't remember them all; I couldn't tell you that.

Q. Haven't you got it down any place?—A. Some of it I have, but not all.

Q. Where have you got it?—A. At home.

Q. Why didn't you bring it here with you?—A. I think I can explain without any memorandum, as I haven't got it all down.

Q. Go ahead, then.—A. I paid Fred Turek \$60. No; I think that I paid him \$70.

Q. Where does he live?—A. In Glenlyon. And I paid Dr. Davis \$70.

Q. What does Fred Turek do?—A. I don't know exactly what he does. I think that he was going to school. I understand that he is a law student.

Q. Isn't Fred Turek a clerk in one of the coal company's offices?—A. No, sir.

Q. At no time?—A. No.

Q. Dr. Davis; how much did you give him?—A. I think \$70.

Q. Where does he live?—A. Glenlyon.

Q. That is the same township that Turek lives in?—A. Yes.

Q. And he has a contract with their coal companies as their doctor, hasn't he?—A. I don't know that.

Q. Go on to James Turner; how much did you give him?—A. \$40.

Q. What does he do?—A. I think that he is foreman of the Alden Coal Co.

Q. He is superintendent or foreman of a mine there for the Alden Coal Co.?—A. I think that he is a foreman.

Q. Who else?—A. Frank Weeks.

Q. How much?—A. I think, \$40.

Q. What does he do?—A. Keeps a hotel.

Q. Who next?—A. John James.

Q. What does he do?—A. Keeps hotel.

Q. How much did you give Weeks?—A. \$40.

Q. How much did you give James?—A. \$25, I think.

Q. All those people that you have mentioned live in Newport Township, don't they?—A. Yes.

Q. Who else in Newport Township did you give any money to?—A. Frank Mills.

Q. What does he do?—A. I don't know whether he is supervisor of the roads, or a laborer on the roads; either one or the other.

Q. Who else in Newport Township did you give money to and how much did you give them? How much did you give Mills?—A. \$25.

Q. Who else did you give money to in Newport?—A. That is all in Newport.

Q. Go on with the rest that you gave money to. How many districts are there in Newport Township?—A. Five.

Q. Where else and who else did you pay money to?—A. Mr. Thomas C. Hill, Shickshinny.

Q. How much did you pay him?—A. I think \$24.

Q. What does he do?—A. Jeweler, jewelry business.

Q. Who else?—A. Charles Straelski, Monanqua, Conyngham Township.

Q. Is he a hotel man?—A. Yes.

Q. How much did you pay him?—A. \$15.

Q. Who else?—A. John T. Clark, in the same township. It was \$15 or \$20 that I paid him.

Q. What does he do?—A. I don't know. I think that he is a miner and works in the mines.

Q. He is assistant mine foreman there, isn't he?—A. I can't tell; I don't know. I was told by Straelski to send him some money.

Q. You were told by Straelski to line him up?—A. To send him some money and he would take care of our interests there.

Q. Did you write him a letter?—A. I did. I told him that inclosed find check for \$15 or \$20, and would he please engage pollmen for the same in your district.

Q. Go on to the next?—A. I sent, I think, \$10 to Dr. Long.

Q. Dr. Long? Where?—A. Muhlenberg.

Q. That is in Union Township?—A. Yes; and I sent \$5 to another township. I can not recall who the man is.

Mr. JONES. Hunlock Township?—A. Yes.

Q. Who else?—A. Yes; and then \$125 or \$150 I gave to Evan J. Williams.

Q. What does he do?—A. He is a school-teacher. He is secretary of the fourth legislative district.

Q. You gave him \$150?—A. Yes; I think that was the amount.

Q. Does his father live there?—A. Yes.

Q. What does his father do?—A. Tailor.

Q. Go on to the next?—A. That is all I can remember of. I gave money to others in bulk amounts to employ pollmen.

Q. Will you go on and tell me to whom you paid these amounts and how much?—A. I can name some. William H. Thompson, \$10; Frank Krinick \$10.

Q. Where?—A. Nanticoke. John Thomas, \$5. Not John T. Thomas—John Thomas.

Q. What does he do?—A. Works in the mines.

Q. Go on?—A. Frank Krinick. Louis Nodgle, \$5; Andrew Saletski, \$5.

Q. They are all in Nanticoke, are they?—A. Yes; Maurice Price, \$5; John T. Williams, \$5; Frank Presynski, \$5; Frank Swartz, \$5; Aleck Putchocki, \$5.

Q. Where does he live?—A. Nanticoke; he is dead now.

Q. What was his business?—A. He was a pollman; he lived in Hanover, in the eighth ward.

Q. Did you have any other moneys outside of the money Jonathan R. Davis gave you?—A. Yes, sir.

Q. How much?—A. \$350.

Q. Who gave you that?—A. James.

Q. For State senator?—A. Yes, sir.

Q. The only local office, outside of the members of the legislature, that were voted for in Luzerne County in 1911 was the Congressman in the whole county, and the senator in the lower end of the county, in your district? The whole district is in the lower end—the senatorial district?—A. The twentieth district it is, I think.

Q. Where is the ninth ward?—A. In Nanticoke.

Q. Where is that?—A. That is up on the corner of Market and Union Streets.

Q. How much money did you put in that ward?—A. I can't remember but—

Q. You put in that ward over \$100, didn't you?—A. Somewhere around there.

Q. To be exact, let me give it to you. You put into that ward \$140, didn't you?—A. I don't think that it was that much.

Q. Pretty close to that, wasn't it?—A. No; I don't think that it was that much.

Q. Well, how much was it?—A. I can't tell, exactly.

Q. You said a while ago at least \$100?—A. Somewhere around \$100.

Q. Will you please get it for us—the exact amount that you put in that ward—and have it here for us at the next hearing?—A. If I can.

Q. And be prepared to give us what other moneys you spent in addition to what you have testified to here now, because I will want to conclude with you on that day. What is about the voting number of the ninth ward?—A. I think 600 registered voters.

Q. How many votes are usually polled there?—A. They have a heavy poll.

Q. They never poll much over 300, do they?—A. Poll over 400 there.

Q. That is all for the present. Bring up those documents and memoranda, and the names of the men you paid it to.

ROBERT BOWAN recalled on behalf of the contestant.

Cross-examination by Mr. JONES:

Q. These moneys that you paid to these various parties in your district, as I understand you, was for the employment of poll men and watchers in that district?—A. I instructed the men I paid it to who to pay it to. I instructed them to pay \$5 to each watcher. I saw Evans and Anderson and told them to put this money around for me.

Mr. GEORGE MCLEAN. The adjournment of the hearing for which Mr. Davis and Mr. Bowman and the other witnesses were called will be Thursday at 10 o'clock, but there will be a hearing to-morrow morning, according to the notices given contestee's counsel, at 10 o'clock.

(Hearing adjourned until 10 a. m. Wednesday, March 1, 1911.)

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Wednesday, the 1st day of March, 1911, at 10 o'clock in the forenoon, at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows: Daniel B. O'Donnell, Wilkes-Barre, Pa.; John Harkins, Edwardsville, Pa.; Fred Hooper, Wilkes-Barre, Pa.; Dr. J. E. Shieffley, Edwardsville, Pa.; Thomas J. Shields, Edwardsville, Pa.; Ed J. Evans, Kingston, Pa.

GEORGE R. MCLEAN.

Service accepted this 27th day of February, 1911.

F. W. WHEATON, Attorney.

WEDNESDAY, MARCH 1, 1911.

Hearing reconvened at 10 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant; John E. Jenkins, Esq., and A. C. Campbell, Esq., counsel for contestant; Arthur L. Turner, Esq., and John A. Opp, Esq., commissioners; Evan C. Jones, Esq., counsel for contestee.

Contestant offers in evidence the list of witnesses, etc.

DANIEL B. O'DONNELL, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. CAMPBELL:

Q. Mr. O'Donnell, you live here in the city of Wilkes-Barre?—A. Yes.

Q. You, in November, 1910, were president of the Luzerne County Liquor Dealers' Association?—A. No, sir

Q. What was your position?—A. I hold no county position. I was a member of the State executive board, with the position of trustee.

Q. Did you preside at a meeting of the association held in Wilkes-Barre Sunday, November 6, 1910?—A. Yes, sir.

Q. Where was this meeting held?—A. Concordia Hall.

Q. How far is that from the office of the Wilkes-Barre Record?—A. To be correct, I couldn't tell you.

Q. About how far—two or three blocks?—A. Yes, sir; three or four blocks.

Q. At what time was the meeting held?—A. Between 3 and 4 o'clock, I judge; about half past 3.

Q. That was in the afternoon?—A. Yes.

Q. Who was the secretary of that meeting?—A. Mr. Fred Hooper.

Q. For what purpose was this meeting called?—A. For the purpose of creating interest in the campaign of Tener for governor against Berry, whom we considered unfavorable to our business.

Q. What action, if any, was taken or proposed by the association in reference to the candidacy of George R. McLean for Congress?—A. No action at all.

Q. Will you just state in your own way what were the proceedings of that meeting?—A. Well, the meeting was called to order by myself; after as I was agreed upon as chairman, and in turn introduced Mr. McCormick, the State chairman of the Liquor Dealers' Association, of Pittsburg, and he got up and in a brief speech outlined the position, and that was to the effect that he asked the liquor dealers to take their coats off and hustle for the election of John K. Tener, and not to stop, but that we had to get out and work until the polls closed. Mr. Gibbons, of Scranton, was introduced. I think that he is the State vice president of the association, and he, too, was brief; and all he spoke about was Tener. A fellow by the name of Boyd spoke along those same lines, and then there was silence for a few minutes, and I asked the wishes of the meeting concerning the remarks of the State president and his associates, and there was no response in the way of a motion or anything, and I asked all in favor of taking their coats off for Tener and keeping them off to arise, and it was evident that everybody rose, because when they sat down and I asked for those opposed, nobody arose.

There was some discussion as to the different legislative candidates, as to Stack receiving the Prohibition nomination. Some of them looked upon him with suspicion and others did not. It was argued pro and con that he could take that nomination without being opposed to our interests; that is, he could be against local option. Then a discussion arose regarding the merits of the congressional candidates, and I think was brought about by somebody presenting a circular there. The circular was supposed to be sent out by the Anti-Saloon League, and signed by the superintendent of the league. The letter in one paragraph went on to discuss the congressional contest, saying, of course, it did not enter largely into the affair, but that Mr. Bowman was a man of good moral habits and believed in doing things for the uplifting of the community; and Mr. McLean, being employed by Stegmaier Brewing Co., could not be defended upon to do anything for the Anti-Saloon League, and that precipitated quite a discussion, and some Polish fellow there, who spoke English quite well, got up and introduced something detrimental to Mr. Bowman, and told what he did to a priest in Pittston, and I called him to order, as it reflected on the meeting. I said, "You will please take your seat, as I don't care what he did to a priest or to the pope or to anyone else; we have no dispute or quarrel with Mr. Bowman." Somebody got up then and resented the attack made on McLean in the circular. After that the discussion went along those lines for a few minutes, and I said there was nothing before the house, and asked if somebody wanted to make a motion to assist in raising funds to help out the election of Tener; and some fellow made the motion that each man be assessed: somebody seconded it, and then everybody began to get out of the hall on the fire escapes; every fellow was looking for a fire escape, and the meeting broke up.

Q. Was there any resolution passed there indorsing the candidacy of Mr. McLean?—A. Positively no; no resolution of any character.

Q. No resolution of any kind?—A. No; not indorsing even Tener.

Q. At what time did the meeting adjourn?—A. It may have dragged on to somewhere about 5 o'clock or thereabouts. I can't be correct about the time.

Q. Did you see in the Wilkes-Barre Record of November 7, an article in which the Record announced that the Liquor Dealers' Association had indorsed Mr. McLean?—A. Yes.

Q. Was that article true?—A. No.

Q. Did the Liquor Dealers' Association in any way agree to further the interests of Mr. McLean's candidacy?—A. No, sir; not at that meeting; no.

Cross-examination by Mr. JONES:

Q. Is there a State organization in Pennsylvania of the retail liquor dealers?—A. Yes, sir.

Q. How long has it been in existence?—A. Five or six years, to my knowledge.

Q. And you are a trustee?—A. Not any more; I was then.

Q. You were then, at the time you presided over this meeting, you were a trustee of the State executive board?—A. Yes.

Q. How long had you been such?—A. One year; I was elected in Pittsburgh on January 20, 1910. I served for a year and gave up the position at Philadelphia, January 26.

Q. Is there a local of the Retail Liquor Dealers' Association in Luzerne County?—A. Yes.

Q. Is it a branch of the State association?—A. It was and is affiliated with the State federation.

Q. When was it organized?—A. About four years ago.

Q. Who was the president of the Luzerne County Liquor Dealers' Association on November 6, 1910?—A. Mr. Wheeler, of Wyoming; keeps Laycock Hotel.

Q. Was he present at that meeting?—A. Yes.

Q. Why didn't he preside?—A. The meeting was held under the auspices of the State federation, and my being a State officer representing this county, as such, by virtue of my office, I was recognized as the proper officer.

Q. At whose call did this assembly meet?—A. At the call of the State president.

Q. How were the notices sent out and by whom?—A. Through the local organization, by Mr. Hooper, secretary.

Q. He was the secretary? Do you have minutes of the meetings of your association?—A. Of our regular meeting?

Q. Yes.—A. Yes.

Q. How frequently does your local organization meet?—A. We have no regular meeting, but we are called through the secretary when there is anything to discuss.

Q. How long prior to November 6 did you last meet?—A. Three or four weeks, I think.

Q. Where?—A. In Munro's Hall.

Q. Were politics discussed at that meeting?—A. Politics are discussed more or less at every meeting.

Q. After the nomination of Mr. McLean and Mr. Bowman, how many meetings did the Luzerne Retail Liquor Association hold before the election?—A. Probably two or three, maybe four; we don't hold regular meetings.

Q. Isn't it a fact that at each one of these the merits of the candidates for the respective offices were discussed?—A. Well, the merits of the candidates for governor and the legislative candidates were discussed.

Q. Was it not discussed in these meetings that Mr. Bowman had been associated with the Anti-Saloon League?—A. It was not discussed; but once in a while some one would volunteer an explanation of his conduct as well as give McLean hell for some purpose, but it was never discussed in open meeting; still, the fellows would sit around after the meeting.

Q. In open meeting you didn't discuss politics?—A. In all our meetings our chief aim was to get money out of the liquor dealers.

Q. For what purpose?—A. For paying Hooper and myself for the work we did.

Q. Then one of the purposes of the Luzerne County Retail Liquor Dealers' Association is to raise money for you and Hooper?—A. That is one of them, among others.

Q. How much did you and Hooper get every year?—A. About \$10, for four years.

Q. And you had a hard time raising that?—A. Oh, no.

Q. You say that was one of the purposes of the meeting?—A. Yes; and we raised enough money to pay hall rent and other incidental expenses.

Q. Do you mean to say now that one of the purposes of your meetings was to raise money enough to pay hall rent?—A. That was an important purpose.

Q. Then, why didn't you avoid meetings and thus avoid the hall rent? If you didn't have meetings, you would have no hall rent to pay?—A. Well, we didn't pay any. Munroe donated that.

Q. What do you mean by that?—A. Well, if he wanted it, it was necessary to pay it.

Q. But he didn't want it?—A. He refused it.

Q. Then, why did you try to raise the money?—A. Well, we have to pay a per capita tax of \$1.25 per year to the State federation; there has to be some money for that.

Q. How much did you regularly assess each member of the retail association?—A. \$1 a month dues and \$5 initiation fee.

Q. What becomes of that money?—A. If a brother is out of employment, we make a donation to him.

Q. You want that to go on the record?—A. Yes; it won't hurt the record.

Q. What do you mean by a brother out of employment?—A. If a saloonkeeper gets out to do any work for the organization, we pay him.

Q. What kind of work?—A. Wouldn't they likely do some work against Watt?

Q. Political work?—A. Sure; political work.

Q. You had a fund for the purpose of political work?—A. Yes.

Q. How much did that amount to?—A. Couple of hundred dollars.

Q. Who is treasurer of your organization?—A. Hooper.

Q. Do you know whether he has a bank account in the name of the Luxerne

Q. What discussion took place as to James Stack, who was also a candidate from this city to the legislature?—A. Some were inclined to fight that; because of his Keystone tendencies he would not be a proper man for our people to take up and fight for.

Q. The Keystone Party was an independent party in this State?—A. Not as far as our interests were concerned; they were prohibition in tendencies.

Q. It was a new party in this State?—A. Yes; it was new.

Q. They were back of Mr. Berry for governor?—A. Yes.

Q. And they were back of certain local candidates, among them Watt and Stack?—A. Yes.

Q. What discussion took place as to the merits of the respective candidates for Congress in this district?—A. After the introduction and reading of this circular there was

A. Bowman and McLean were discussed at the same time, were they not?—
A. Yes.

Q. By whom?—A. The liquor dealers.

Q. About how many among you made speeches on the congressional question?—A. Probably half a dozen.

Q. What was the general import of the talk?—A. Well, they both had friends there, and it was claimed by the friends of both that they were fair, open, and moral men; and some went so far as to say that it did not enter into the situation at all, and that Congress had nothing to do, as their vote didn't extend as far as

Q. Who was the liquor dealer who said Bowman was fair?—A. I don't remember now; some fellow who looked like a regular "rube."

Q. Did they give him any attention?—A. Oh, yes; he had a fair hearing.

Q. Who else made a speech in favor of Mr. Bowman?—A. I don't remember the names.

Q. Some one, you say, commented on the fact that Mr. Bowman at one time had done something to a priest?—A. Yes, sir.

Q. And you immediately called him out of order?—A. Yes, sir; I called him to order and told him that this line of talk was foreign to the purpose of the meeting.

Q. One of the real purports of this meeting was to raise money for political purposes, wasn't it?—A. No; it was not the real purpose.

Q. It was an incidental purpose? How much money was raised at that meeting?—A. About \$7.

Q. Do you want that to go on the record?—A. There was one member that joined the association and one member paid dues. But Hooper is the secretary and he will know better than I.

Q. Hooper would know from the record?—A. I can't remember it. I would not know and wouldn't want to say just how much is on the record.

Q. You have minutes of the organization?—A. Yes; of this organization; but this was a special meeting. It was what one might call a mass meeting.

Q. About how many were there?—A. Maybe a couple of hundred.

Q. From all parts of this congressional district?—A. From all parts of the county. It was a county meeting; we did not consider the congressional district at all.

Q. The county, of course, is coextensive with the congressional district?—
A. Yes; but the legislative districts were what troubled us.

Q. Were any men assigned to employ watchers at the election?—A. No.
Q. And you say now that no money was used from the Luzerne County Retail Liquor Dealers' Association to further the campaign for Tener for governor?—
A. It was used in sending out notices and stamps.

Q. What notices did you send out?—A. The call for this meeting.

Q. What notices? Subsequently to the meeting?—A. No; except in the way of sending letters for that purpose of notifying them again of the meeting.

Q. Did you give information to those who were not there as to the result of the meeting?—A. We didn't notify them by letter, no; on the streets, of course, we met them.

Q. Did the men who made the speeches favorable to Mr. McLean comment on the fact that he was closely affiliated with the Stegmaier Brewing Co.'s interests?—A. No; except to defend him as to the insinuations thrown out in that circular. They said that a man could be an attorney and be a good man, too.

Q. It was practically agreed that should not injure him—the mere fact of representing a brewery legally?—A. There didn't seem to be anything unanimous; that was the opinion of the men that discussed Mr. McLean.

Q. And you adjourned about 5 o'clock?—A. Yes; somewhere around there.

Q. Did you raise any money?—A. About \$7.

Q. That was not raised for political purposes?—A. No.

Q. You attempted to raise money for political purposes?—A. We attempted to raise money because we needed it. I don't know whether it was for political purposes. However, if you wish to call it so, all right.

Q. But you didn't succeed in raising any large sum for political purposes?—
A. No.

Q. Do you mean to say that no money was that day assessed and levied on the members of the association for political purposes, either State or otherwise?—A. In the call we sent out for the meeting we said that all we wanted was their presence and not a cent of their money, and somebody called attention to that when the question was raised, and that ended the matter.

Q. In order to get them there, you promised them that?—A. I promised them nothing; I told them the truth.

Q. You made the suggestion, didn't you?—A. No; some did on the floor.

Q. You entertained the suggestion?—A. I was in the chair.

Q. Did you entertain the motion?—A. Certainly.

Q. Was the motion seconded?—A. Yes, sir.

Q. Was it carried?—A. It wasn't.

Q. Why not?—A. The point was raised that in the call sent out for the meeting it was clearly stated that the purpose of the meeting was not for the purpose of raising money, and I sustained the objection to the motion.

Q. And you refused to put the motion?—A. Yes.

Q. And it was disposed of in an orderly way?—A. In a parliamentary way.

Q. In addition to an orderly way?—A. Yes, sir.

Q. I believe you stated in your examination in chief to Mr. Campbell that as soon as the question of money was suggested half of them grabbed their hats and ran?—A. They did.

Q. Did they do that in a parliamentary way, Dan?—A. That did not interfere with my way.

Q. Did you dispose of this when they were going out?—A. I ruled the motion out and asked for a motion to adjourn.

Q. At that time had the exodus begun?—A. I told you yes.

Q. And while this scramble for the door was going on?—A. I was declaring the meeting adjourned, and I adjourned myself.

Q. Then the scramble for the door didn't take place? It did not take place until the meeting was regularly adjourned?—A. A trifle before.

Q. And the scramble for the door didn't take place until you declared the motion out of order?—A. It was going on during the time I was declaring it.

Q. It precipitated that riot, did it?—A. It started the stampede.

Q. Do you know how much money was used in this city by the Retail Liquor Dealers' Association in this last campaign?—A. No; as far as our organization was concerned, I knew that there was not very much used but what was used to buy stamps and pay for printing.

Q. I am talking about any used for watchers at the polls.—A. There was not a cent.

Q. Did you indorse John Shadrach as a candidate?—A. No.

Q. You know as a matter of fact that the liquor dealers of the city here were favorable to his interests?—A. I had no official knowledge of it.

Q. Did you have a general knowledge that the saloon keepers and retail liquor dealers were active in his behalf?—A. I don't know as they were active; I know they looked upon him as being fair.

Q. He, in a pinch, they felt would be fair?—A. He would be favorable and fair without a pinch.

Q. He was standing pat?—A. No; he was standing Jones, I suppose.

Q. Who was the other candidate for the legislature that would be favorable to your interests from the city?—A. We felt they would all be fair, outside of Watt.

Q. Now, there were other candidates from other legislative districts in the county at that election?—A. Yes.

Q. And they were representatives at that meeting from these legislative districts?—A. Yes.

Q. Were not their candidates for the legislature discussed at that meeting?—A. Not to any extent.

Q. Were they to no extent?—A. None that I remember of.

Q. Then the only legislative candidates were the city representatives from the city of Wilkes-Barre, which comprised the seventh legislative district?—A. Exactly.

Q. Where did McCormick and Gibbons, who were visiting here that day for the purpose of creating a sentiment for Mr. Tener, go after the meeting?—A. I don't know; they took the train, and went to attend a similar meeting in Scranton called for the same purpose.

Q. Where did you go—home—after the meeting?—A. Yes.

Q. Did you go to Hooper's Hotel?—A. No.

Q. Do you know whether McCormick and Gibbons were stopping at Hooper's Hotel?—A. I don't know. I know that they took the train and went to Scranton, and I understand that they took the train to Pittsburg about 6 o'clock. I don't know where McCormick stopped.

Q. You say that you saw the article in the paper in the morning—the next morning?—A. Yes.

Q. It was a plain assertion?—A. Yes.

Q. Very plainly written?—A. Very Republican looking, it was.

Q. It was a very plain article, stating that at the meeting of the Retail Liquor Dealers' Association they had indorsed George R. McLean's candidacy for Congress?—A. Yes.

Q. Did you deny that?—A. I said it was manufactured out of the whole cloth. I said that it was another trick of the Republicans.

Q. Did you go to Wilkes-Barre in your official capacity and deny it?—A. I did not.

Q. Did you ask anybody to go there—your secretary or any member of your organization—to go there and deny it?—A. I had no authority to do that. Not having a meeting, I denied it individually to anyone who spoke to me about it.

Q. Did Mr. McLean or did anyone representing him come or send to you inquiring as to the truth of this article?—A. McLean never bothered me in his political matter at all.

Q. Did anyone else come to see you as to the truth of that article?—A. A few who read the papers, and my neighbors, and a few others.

Q. Merely your neighbors, and to them you denied it?—A. Certainly.

Q. But you didn't deem it essential to deny it publicly?—A. I didn't consider the matter in that way, because I knew very well that the Record would not contradict themselves.

Q. Did you make an attempt to get the Record to contradict itself?—A. No.

Q. Were there not in this city two evening papers—the Times-Leader and the Wilkes-Barre Evening News?—A. I think so.

Q. Was the Times-Leader friendly to the candidacy of Mr. Bowman?—A. I don't know.

Q. They took no active interest for either party in the congressional fight?—A. I don't know; my interest was so slight that I didn't keep tab on it.

Q. You say that you felt sure that the Record would not deny it?—A. Knowing the Record as I do.

Q. Did you ask the Times-Leader to deny it?—A. No; I didn't have enough interest.

Q. You were willing, as chairman of that meeting, to allow any statement of that character to stand uncontradicted and unchallenged, were you?—A. I had no direct interest in it. The fight was between McLean and Bowman.

Q. And nobody asked you to deny it?—A. No, sir.

Redirect examination by Mr. CAMPBELL:

Q. John J. Tener was the Republican candidate for governor?—A. Yes.

Q. Did the Wilkes-Barre Record or any of the employees of the Wilkes-Barre Record notify you or interview you as to the truthfulness of the article appearing in their paper?—A. No, sir.

Q. Did they on Sunday, or at any time before the publication of the article, make any inquiry of you as to what had happened at that meeting?—A. Positively no.

Q. Did they afterwards?—A. No, sir; not a word.

FRED M. HOOPER, called on behalf of the contestant, and duly sworn by Commissioner Turner.

Examination by Mr. CAMPBELL:

Q. You are a resident of the city of Wilkes-Barre?—A. Yes, sir.

Q. You are one of the proprietors of the Hotel Terminal?—A. Yes, sir.

Q. You are also secretary of the Luzerne County Liquor Dealers' Association?—A. Yes, sir; financial secretary and treasurer.

Q. Did you attend a meeting of the Luzerne County Liquor Dealers' Association held in Concordia Hall November 6, Sunday, 1910?—A. Yes.

Q. At whose instance was that meeting called?—A. It was called at the instance of the State president, Mr. McCormick, president of the State Federation of Liquor Dealers.

Q. At that meeting was the candidacy of George R. McLean indorsed for Congress by the liquor dealers?—A. No, sir.

Q. Did the Liquor Dealers' Association, at that meeting or any other meeting, decide to further the interests of George R. McLean for Congress?—A. No, sir.

Q. How far is the Hotel Terminal from the Wilkes-Barre Record office?—A. About five blocks, I imagine.

Q. Did you see in the Wilkes-Barre Record of November 7, 1910, an article stating that the liquor dealers were out for McLean and that at a meeting held that Sunday afternoon they had indorsed the candidacy of George R. McLean for Congress?—A. Yes, sir; I did.

Q. Was that statement true?—A. No, sir.

Q. Was there any foundation whatever for that statement?—A. No, sir.

Q. Did anybody representing the Wilkes-Barre Record make inquiry of you or at any time prior to the publication of that article as to what had taken place in that meeting?—A. No, sir.

Q. Did they make inquiry as to the truthfulness of what was said in that article?—A. No, sir.

Cross-examination by Mr. JONES:

Q. What are the duties of the financial secretary of the Luzerne County Liquor Dealers' Association?—A. The duties are to send out notices of the meeting and that is all.

Q. What has the financial part to do with it?—A. Just a term, I suppose. That is all I have ever done.

Q. Who is treasurer?—A. I am treasurer.

Q. And the office of financial secretary, or rather the office of secretary and treasurer, are practically included under that one term, "financial secretary"?—A. Yes.

Q. Have you a bank account?—A. Yes.

Q. Of the Luzerne County Liquor Dealers' Association?—A. Yes.

Q. Have you your bank book with you?—A. No, sir.

Q. Have you your check book with you?—A. Yes.

Q. Will you produce that to-morrow morning?—A. Yes.

Q. I will want it at the opening of the meeting to-morrow morning at 10 o'clock. Was there any money used or put out by your order, during the last campaign for any political purposes, belonging to the Retail Liquor Dealers'

Association?—A. Only for postage and the printing of the call of the meeting and to pay the hall rent of Concordia Hall.

Q. Was there any money raised by the Retail Liquor Dealers' Association last fall for political purposes?—A. No, sir.

Q. How about this money that Dan O'Donnell said was raised to beat Watt?—A. Any money we got was from a new member. He paid \$5 initiation fee, and another who paid \$2 in dues.

Q. That was on that day?—A. Yes.

Q. Wasn't any money used at that time to defeat Watt for this legislative district?—A. None that I know of; no, sir.

Q. If that is true, it is news to you, isn't it?—A. Yes, sir.

Q. Your hotel is comparatively a short distance from the Wilkes-Barre Record?—A. Yes, sir.

Q. Probably five minutes' walk?—A. Yes, sir.

Q. And you saw this article on the morning of the 7th—on the Monday morning following this meeting?—A. Yes.

Q. And you knew it was untrue?—A. Yes.

Q. Did you deny it?—A. No, sir.

Q. Why not?—A. Because I had no interest in the congressional fight.

Q. But you had an interest in the Luzerne County Liquor Dealers' Association, did you not?—A. Yes, sir.

Q. A vital interest, did you not?—A. Yes.

Q. And you knew that the Record had published something about that meeting which was not true?—A. Yes, sir.

Q. And which might place your association in a bad light?—A. Yes.

Q. Didn't you deem it your duty to deny that?—A. No, sir.

Q. Didn't anyone on behalf of Mr. McLean, or did Mr. McLean, personally, interview you as to the truth of that statement?—A. No, sir.

Q. So that so far as you know no one, either on behalf of Mr. McLean, or on behalf of the liquor dealers' association, denied that statement?—A. No, sir.

Q. And it was allowed to go and appear to the voters of this county undenied and unchallenged?—A. Yes, sir.

Q. You never denied it to the Record?—A. No, sir.

Q. Nor anyone for you?—A. No, sir.

Redirect examination by Mr. CAMPBELL:

Q. Were any inquiries made of you as to the truthfulness of the article? Did people ask you whether it was true or not?—A. Yes, sir; some.

Q. Was that article believed much by the public in general?—A. Not very much.

Q. Not with you?—A. No.

Q. What did you say to the people who did make inquiries as to the truthfulness of that article?—A. I told them it wasn't true.

Recross-examination by Mr. JONES:

Q. How many people made inquiries of you as to the truth of that article?—A. That is hard to tell.

Q. Approximate it.—A. There may have been a dozen.

Q. When?—A. The next day and afterwards; after election.

Q. Before the election how many?—A. There might have been a dozen.

Q. And these interviews took place on the day after the publication?—A. Yes.

Q. Then you must have seen, Mr. Hooper, that this article aroused some comment?—A. Yes.

Q. It must have been impressed upon your mind still further that this association was being placed in a bad light, in a false position?—A. Yes.

Q. And yet you didn't deem it necessary to deny it publicly?—A. No, sir.

DANIEL O'DONNELL recalled on behalf of the contestant.

Examined by Mr. CAMPBELL:

Q. Mr. O'Donnell, after the appearance of the article in the Wilkes-Barre Record, concerning the indorsement of George R. McLean by the Liquor Dealers' Association, you say that many people spoke to you about that article?—A. Yes; quite a number.

Q. What from the speech of the people, so far as you can determine, was the effect of that article on the candidacy of Mr. McLean?—A. It—

(Objected to as immaterial and irrelevant, and, second, because it is improper as well as a novel method of attempting to prove fraud in election by hearsay.)

Q. Now, from the speech of the people that you have met, what was the effect of this article on the candidacy of Mr. McLean?—A. They all seemed to think that it would hurt McLean. In fact they openly predicted that it would lick him.

Q. After the election, from the speech of the people of which you are familiar, what was assigned in part as the cause of the defeat of Mr. McLean?—A. In nearly every instance it was assigned to that article.

Recross-examination by Mr. JONES:

Q. Was his defeat assigned to that article, or to the well-known fact that he had allied himself with the liquor interests of this county?—A. That could not be, because he had not allied himself.

Q. How do you know that he hadn't?—A. Not so far as any official knowledge of our organization was concerned, and he could not ally himself except through our organization.

Q. Do you know whether he had an alliance with the Stegmaier & Bartels Brewing Cos.?—A. I don't know anything about that.

Q. Don't you know it was generally discussed in this county long before you had this meeting, that McLean was the liquor dealers' candidate?—A. No, sir.

Q. Didn't you hear that at any place prior to that meeting?—A. No.

Q. You say that a great number of people came to you and said that would beat McLean?—A. Yea, sir.

Q. Of course, a prediction of that kind would have to be before election?—A. It was, and some of it was on election day before the polls closed.

Q. And some of it was before?—A. Yes, sir.

Q. Were you friendly to McLean in this campaign?—A. I was friendly to him as a Democrat. I was friendly to the candidate of my party.

Q. In other words he was the candidate of your party and you were a good party man?—A. Yea, sir.

Q. And to that extent at least you were interested in Mr. McLean's candidacy?—A. In so far as he was a Democrat and no more.

Q. But as a Democrat you were interested?—A. Chiefly of his being the Democratic standard bearer.

Q. Coming before election, with the untrue statement published in the Wilkes-Barre Record, it placed your association in a false position and was bound to injure the chances of your party. Did you take any step to deny it?—A. Certainly not. I thought that Mr. McLean was perfectly able to take care of himself.

Q. You assumed that if it was not true he would deny it?—A. I didn't assume at all. As I said before, I had no interest aside from a party interest.

Q. You left that to McLean to deny?—A. I left his own business to him, of course.

Q. He didn't call you up to see if it was true?—A. He knew that it was not necessary to call me up.

JOHN HARKINS called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. CAMPBELL:

Q. Mr. Harkins, where do you live?—A. In the second ward of Edwardsville.

Q. What is your business; what do you work at?—A. Blacksmith.

Q. How long have you lived in Edwardsville?—A. I lived in the second ward this last 12 years.

Q. How long have you lived in Edwardsville—this immediate locality?—A. Thirty-nine years.

Q. You were inspector of election held November 8, 1910, at the second ward of Edwardsville?—A. Yes, sir.

Q. Were you present when the vote for Congress was counted and announced?—A. Yes, sir.

Q. What was the vote? How many votes had McLean?—A. McLean had 48.

Q. How many for Bowman?—A. Fourteen.

Q. Did they count all the votes? Were any votes which were marked for McLean thrown out by the board?—A. There were quite a few thrown out. I

couldn't say whether they were for McLean or against McLean. There were quite a few thrown out.

Q. When you signed the return—or, rather, did you sign the return before the result of the vote was obtained?—A. When the votes was counted they made out a sheet for each one on the board. Carney got one; I got one; Shields got one; the Hungarian, the Polander got one; the four sheets were all counted.

Q. What was the vote on the sheets when you signed it? What was the vote for Congress on the sheet that you signed?—A. Forty-eight for McLean.

Q. And how many for Bowman?—A. Fourteen.

Q. Do you know Thomas Kennedy?—A. Yes, sir.

Q. In what ward does he live?—A. He lives in the second ward.

Q. Edwardsville Borough?—A. Yes, sir.

Q. What is his business over there?—A. He is assistant chief of police.

Q. Did you write down on a piece of paper what the vote was for McLean and for Bowman?—A. Shields, McFadden, and Carney wrote it down on sheets; they wrote it down on sheets.

Q. Did you also write it on a specimen ballot or on any paper?—A. A specimen ballot; yes, sir.

Q. To whom did you show that?—A. I went up to see how she was going in the first ward, and I met Dr. Shieley, and there was a gentleman with him. I had McLean's count first, and these gentlemen copied it down.

Q. Who did?—A. Dr. Shieley.

Q. He copied it off the sheet you showed him?—A. Yes, sir.

Q. This was immediately after you came out of the election poll after having counted the vote for the final return?—A. Yes, sir.

Q. You showed it to Dr. Shieley and the gentleman who was with him?—A. Yes, sir.

Q. This is the gentleman—Mr. Evans?—A. Yes.

Cross-examination by Mr. JONES:

Q. How old are you?—A. I was born in 1850.

Q. You are 61 years of age?—A. Yes, sir.

Q. Had you ever served on election boards before this election?—A. Yes.

Q. How often?—A. Maybe four different times.

Q. About how many times?—A. About three times.

Q. In what capacity—what offices did you hold on the board?—A. I was inspector one time. Inspector nearly all the time I was.

Q. Were you minority inspector on the board at the last election or were you majority inspector?—A. Minority inspector, I guess; McFadden took me.

Q. You guess?—A. Yes, sir.

Q. When did you serve as minority or majority inspector?—A. It is so long ago that I don't remember.

Q. You were familiar with the conduct of elections—conducting elections?—A. Yes, sir; I am.

Q. Do you know the law of this State, Mr. Harkins, provided that election returns shall be made out in triplicate—three copies—and when they are all signed by the members of the board one copy is kept by the minority inspector?—A. I never knew that before.

Q. You never knew that before?—A. No, sir.

Q. You have already stated that you got a copy of these returns, haven't you?—A. Yes, sir; it was counted forinst us.

Q. What did you with it?—A. I had the copy with me for a long spell, but it went to loss.

Q. Then you had the minority inspector's return?—A. Yes, sir.

Q. Where is it?—A. I guess the doctor has it. After they counted them—

Q. I am talking about the minority inspector's, signed by the entire board. What became of that?—A. I haven't got it now.

Q. What became of that?—A. I haven't got it now.

Q. You haven't got it now?—A. I lost it. I had it in my pocket for quite a while.

Q. How long did you have it in your pocket?—A. I can't tell how long I had it in my pocket.

Q. You don't know what became of it?—A. No, sir.

Q. Do you know what the actual return in court of the Edwardsville vote in the second ward of the Borough of Edwardsville in the congressional fight was?—A. I don't remember anything more I could tell you now.

Q. Who was the first man spoke to you about this?—A. I was the first man—

Q. No; I mean on that night.—A. Evan Morgan and Mike Price; I brought them over to see the count in the second ward for McLean.

Q. After the election was all over and the election was long past, who came to see you about this case?—A. Nobody.

Q. Have you talked to Mr. McLean about it?—A. Not for quite awhile afterwards.

Q. When did you talk to Mr. McLean about it?—A. Quite a while after that.

Q. How long afterwards?—A. McLean was sick at the time of the election.

Q. I don't care; how long after the election did you talk to him about this?—A. Perhaps maybe a month.

Q. A month after the election?—A. Yes.

Q. Did he come to your house?—A. No.

Q. Where did you meet him?—A. I met him here, when I was over here on business.

Q. What kind of business?—A. Business about my property.

Q. Did you come over here specially to see him about the election?—A. No.

Q. Is Mr. McLean your lawyer?—A. He was working to get out license for me.

Q. You were interested in having a license granted for a house that you own?—A. Yes, sir.

Q. Who was the applicant?—A. Phillip Straub.

Q. Did he come with you to McLean's office?—A. Yes.

Q. That was about one month after the election?—A. Yes, sir.

Q. Did you see George McLean himself?—A. Yes.

Q. Had he ever done any work for you before that time?—A. No, sir.

Q. Who sent you to Mr. McLean?—A. I knew him.

Q. Had you known him?—A. Yes; a long time ago.

Q. Do you know Mr. McLean or his father?—A. The old gentleman and I knew George, too.

Q. But George had never been your lawyer before?—A. No.

Q. Did the Stegmaier Brewing Co. or anybody representing them send you to Mr. McLean?—A. Yes.

Q. Who?—A. The fellow that rented the place, for he was doing business in Plymouth, and he told me about Stegmaier.

Q. He told you about Stegmaier?—A. Yes.

Q. Who came to see you from the Stegmaier Brewing Co.?—A. Nobody; any more than we come to Stegmaier to look for a license.

Q. What did this man tell you about the Stegmaier Brewing Co.?—A. Nothing more than that.

Q. What did you mean by saying that some representative of Stegmaier came to see you?—A. This man said that Stegmaier would be a good party to help get the license.

Q. And he suggested that you go to McLean?—A. Yes, sir.

Q. And McLean was attorney for Stegmaier?—A. Yes, sir.

Q. How did you come to talk to McLean about the vote for Congress in your district?—A. I don't know how it came that we talked about it at all.

Q. Were you talking about it at all the time in Stegmaier's office?—A. He asked how did we do in the second ward.

Q. Then he opened up the talk about it?—A. I don't remember whether it was me or him talked first about it.

Q. He asked you what the vote was there, did he?—A. Yes.

Q. How long did he talk to you about the election?—A. Not long.

Q. Did he ask you if you had your minority inspector's report?—A. I guess he did, but I won't swear to that.

Q. Did you tell him that you had a minority inspector's report?—A. I told him that I had it marked down on a sheet.

Q. Where is that sheet now?—A. I couldn't find it now.

Q. What did you do with it?—A. I lost it out of my pocket, I guess.

Q. Did McLean ask you to look for that sheet?—A. No.

Q. Is that the only time that you talked to McLean about election until today?—A. That is all I know.

Q. Is that the only time that you talked to McLean about election until today—until this morning?—A. I was in here at different times.

Q. How many times have you been in McLean's office talking about the election?—A. Only once, as far as I know; I came on a matter of business.

Q. When you came here on a matter of business didn't you discuss the vote in Edwardsville with him?—A. I don't think I talked to him more than once.

Q. Did this man who made an application for a license in your place have a lease from you?—A. Yes.

Q. Or did the Stegmaier Brewing Co. have a lease?—A. Himself; he had the lease from me.

Q. The Stegmaier Brewing Co. didn't have a lease from you?—A. No.

Redirect examination by Mr. CAMPBELL:

Q. When Mr. Straub applied for a license for the place was it last November or a year ago?—A. A year ago.

Q. The first time that you saw Mr. McLean was when you sold your property?—A. Yes.

Q. And you sold your property to the Stegmaier Realty Co. the first of this year—January of this year?—A. Yes.

Q. When was the first time that you saw George McLean to talk to him about the result of the vote in Edwardsville?—A. That time.

Q. The time that you sold your property to the Stegmaier Realty Co.?—A. Yes, sir.

Recross-examination by Mr. JONES:

Q. You have already told me that you have talked to Mr. McLean when you and Straub came to his office about getting a new license. Is that so, or isn't it?—A. I didn't know anything about his running; that was a year ago.

Q. The time that you and Straub came to see him, that was a year before this election?—A. Yes.

Q. The time that you talked to Mr. McLean about his election was when you came to his office to sell your property to the Stegmaier Realty Co.?—A. Yes.

Q. And how long was that after the election?—A. I sold it that last of the new year.

Q. About Christmas or New Year's?—A. Yes; between Christmas and New Year's.

Q. And how many times since you sold it have you been in Mr. McLean's office?—A. Well, I come over here for some money sometimes.

Q. You mean money on your property?—A. Yes, sir.

Q. How many times were you over for money?—A. About three times.

Q. Did you talk to him each time when you came over?—A. I didn't see him at all. It was the brother I seen.

Q. Don't you answer this question until you understand it, and if you don't understand it, say so. How many talks had you with George McLean about this election before to-day?—A. I didn't have no talk with him; if was his brother I talked to.

Q. Then you didn't talk with George McLean about this election?—A. I didn't see the man here at all.

Q. Did you understand my question?—A. Yes.

Q. What did you mean by telling me a few moments ago that you didn't know who started the conversation, but that you and McLean started to talk about the vote in Edwardsville borough?—A. I couldn't swear which it was.

Q. Was it George McLean that asked you about the vote in Edwardsville borough?—A. That is quite awhile ago.

Q. Was it George or his brother that asked you about the vote first?—A. His brother; I didn't see George.

Q. When did you see George?—A. Quite awhile after election.

Q. How long ago?—A. Well, I didn't see George until I was buying the place.

Q. I am talking about when you saw him to talk about this election?—A. Perhaps it may be two months ago.

Q. In his office?—A. No, sir; I was seeing about selling a place, and I don't remember who talked the first.

Q. I don't care who you talked to about it. You did talk to him about this election, did you not?—A. Yes.

Q. In his office?—A. Yes.

Q. How many times did you talk to George McLean about this election in his office?—A. I didn't talk; maybe I didn't see him.

Q. How many times did you talk to him about this election?—A. M: ybe three or four times, I guess.

Q. Three or four times?—A. Yes.

EDWARD J. EVANS, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. CAMPBELL:

Q. You are cashier of the Kingston Deposit & Savings Bank?—A. Yes, sir.

Q. Do you recall meeting John Harkins, who was just on the witness stand, on election night, November 8, 1910?—A. Yes, sir.

Q. Where did you meet him?—A. Just about in front of the doctor's office or in the vicinity; between there and the corner.

Q. Doctor who?—A. Dr. Schieffley.

Q. How far is that from the polls of the second ward of the borough of Edwardsville?—A. A little over a block; near about two blocks or a block and a half.

Q. At what hour did you meet him?—A. I would say between 9 and 10.

Q. What conversation did you have with him concerning the vote that had been cast for McLean and Bowman in that ward?

(Objected to as immaterial and irrelevant, and, further, being incompetent because it is hearsay evidence.)

Q. Answer the question. What conversation did either you or Dr. Schieffley have with Harkins concerning the vote which was cast for McLean and Bowman at the election for Congressman?—A. We had some figures relative to the different returns from the wards. As we were standing right nearly at a point in front of the doctor's office Mr. Harkins came along with a specimen ballot with the figures of the second ward. We asked to see the figures, and the figures we had previously down did not correspond with the figures that Mr. Harkins had, so we changed them to what Harkins told us from what we previously had.

Q. What did he tell you the vote was for McLean?—A. The vote for McLean was 48 and for Bowman 14.

Q. Did you make a record of it at that time?—A. I had a little memorandum book, and I put the figures down.

Q. Have you that with you?—A. Yes.

(Witness produces book.)

Q. What does that show?—A. It shows that McLean's vote was 48 and Bowman's was 14.

Cross-examination by Mr. JONES:

Q. You say that the figures that Harkins gave you did not agree with the figures you had received early in the evening?—A. They did not agree.

Q. What were the figures you received earlier?—A. I would not be positive, but I think it was 28 to 37. They were given to me by Tom Law, a Record man, but where he got them I don't know.

Q. Thirty-nine to thirty-seven?—A. I think that was it. I am not positive, but if you examine the erasure there maybe you can figure it out.

Q. You made an erasure in this book?—A. Yes, sir.

Q. Do you know what a minority inspector's return is?—A. Yes.

Q. You have served on election boards, have you?—A. Yes.

Q. You knew that Harkins was an officer of this election?—A. I presumed he was.

Q. And when he told you these figures, or showed them to you, did he have a minority inspector's report?—A. No; a specimen ballot.

Q. And when you discovered that the figures he gave you as an officer who conducted the election in that district differed from what you had heard on the street, did you tell him you had heard differently?—A. Yes.

Q. Did you tell him who told you?—A. I don't know about that. I think so. I am not positive.

Q. So that when Harkins, who was an election officer, left you that night he had knowledge through you that a different vote had been claimed in that ward?—A. I wouldn't be surprised. I don't just recall whether I told him that or not. I know that we had different figures indicating the changes here, but whether I told him I would not be positive.

Q. The best of your recollection is now that you told him these were not the figures that you received from the Record man?—A. Yes.

Q. Did you see the Wilkes-Barre Record next morning?—A. Yes, sir.

Q. Which figures appeared in there?—A. The same as we have there.

Q. The same as appears here—48 to 14?—A. Yes.

Q. You say that you have a total list of the vote by wards in that borough?—
A. Perhaps so; I think so.

Q. The total vote for Bowman in Edwardsville was 308 as against 201 for McLean. Look at that [handing witness book].—A. I'll figure it up.

Q. Figure it and see what the total vote for Congress was for each candidate. What was the total vote?—A. According to my memorandum, 272 for Bowman and 143 for McLean.

Q. A difference of how much in favor of Mr. Bowman?—A. 229.

Q. Do you live in that district?—A. No.

Q. And don't you vote there?—A. No.

DR. J. E. SCHIEFFLEY, called on behalf of contestant, and duly sworn by Commissioner Turner.

Examination by Mr. CAMPBELL:

Q. Where do you live?—A. Edwardsville.

Q. You are a physician and surgeon?—A. Yes, sir.

Q. How long have you lived in Edwardsville?—A. 12 or 13 years.

Q. On the night of election, November 8, 1910, did you meet John Harkins, a witness who has been on the witness stand in your presence this morning?—
A. Yes, sir.

Q. About what time did you meet him?—A. Well, near, I would say, from 9 to half past; maybe quarter after 10; 9 or 10 o'clock.

Q. Who was with you when you met him?—A. Mr. Evans.

Q. The witness who was just on the stand?—A. Yes.

Q. What conversation did you have with Harkins as to the vote that was cast for McLean and Bowman for Congress?—A. We asked him, I think—we did have the second ward vote as it was given out, and he said that he had it, and showed us the specimen ballot with the vote of 14 to 48, as he swore to.

Q. For whom were the 48 votes?—A. McLean.

Q. And for whom were the 14?—A. Bowman.

Cross-examination by Mr. JONES:

Q. You had received the returns earlier in the evening?—A. Yes, sir.

Q. From whom?—A. Thomas Law.

Q. What did that return show?—A. I have it marked in my original slip where the original return, the original slip, as given by Thomas Law, where it was Bowman 28, McLean 37.

Q. Just as Mr. Evans has given it?—A. Yes; but I would like to say something there, if I possibly could, in regard to the answer to that. I would like to answer another question.

Mr. JENKINS. If you wish to explain your answer.

A. We met Mr. Law.

Mr. JONES. You said you wanted to make some explanation, did you?

A. Yes. You asked me in regard to a former vote of 29 to 37. Law at a later date told me, and I also saw in the Record, 14 to 48, and I—that would also tend to corroborate the figures of Mr. Harkins. He also told me who gave him the information. In other words, I would like the first figures to be forgotten on my slip and I would like it to go from me as 14 to 48, as Harkins says.

Q. You mean that Law also told you later that it was 14 to 48?—A. Yes.

Redirect examination by Mr. CAMPBELL:

Q. What was the return in the Wilkes-Barre Record the next day, November 9, for Congress in the second ward of Edwardsville Borough, this county? Did you see them?—A. Yes.

Q. How was it reported in the Record? What was the vote for Bowman and McLean?—A. The Record the following day had 14 to 48, as Harkins had given it to me.

Q. Forty-eight for McLean and 14 for Bowman?—A. Forty-eight for McLean and 14 for Bowman.

Q. The Wilkes-Barre Record is the leading Republican paper in this county, is so considered, isn't it?—A. Yes.

Q. Did you also see it in the Evening News—the returns—the Evening News of Wednesday, November 9?—A. I think I did.

Q. What was it recorded there?—A. I presume just as I see it here now—14 to 48.

Q. The Wilkes-Barre Evening News is also a Republican organ?—A. Yes.

Recross-examination by Mr. JONES:

Q. You say that you and Evans met Harkins and asked him for the vote?—
A. Yes.

Q. You knew that he was an officer of the board?—A. Yes.

Q. He didn't show you the minority inspector's return?—A. No.

Q. And when you found this discrepancy in the figures did you discuss it with him?—A. No.

Q. You and Evans discussed it?—A. Right there at the corner at the moment; yes, sir.

Q. And Harkins was there at the time?—A. Yes, sir.

Q. Did you tell him where you got your figures from?—A. No. I would like to tell something else—something else in this connection in part.

Redirect examination by Mr. CAMPBELL:

Q. Do you know Thomas Kennedy, of Edwardsville, the second ward there?—
A. Yes, sir.

Q. What is his position, if any? Any official position in the borough?—A. I don't know; assistant police or assistant chief of police, I really don't know.

Q. Do you know of his being indicted at any time for election frauds?

(Objected to for the reason that, first, it is immaterial and irrelevant to this issue; and, second, it is not the best evidence, the best record or evidence of the indictment being the records of the court.)

Q. What have you to say as to that?—A. Yes.

Q. Do you know in what year it was that the election frauds were supposed to have been perpetrated there?—A. I can't recall.

Q. Was it in the campaign of Mr. Mulhall for district attorney?—A. I can't say.

Q. What is the reputation of Thomas Kennedy in that community as a law-abiding citizen?—A. Anything but good.

Recross-examination by Mr. JONES:

Q. Have you and Kennedy had any political trouble—political trouble, I mean; not personal trouble?—A. No.

Q. Have you had no political troubles?—A. Personally, no.

Q. Have you had any political troubles on behalf of anyone else?—A. Only that—well, I don't know just how to state that. I haven't had any particular trouble.

THOMAS SHIELDS, called on behalf of contestant and duly sworn by Commissioner Turner:

Examined by Mr. CAMPBELL:

Q. Where do you live?—A. 466 Main Street, Edwardsville.

Q. In what ward?—A. The second ward of Edwardsville.

Q. For whom do you work?—A. For the Western Electric Co.

Q. You are an electrician, are you?—A. Hardly.

Q. Were you an officer on the election board in the second ward of Edwardsville on November 8, 1910?—A. Yes.

Q. What was your position?—A. Clerk to the judge of election.

Q. After the vote had been counted and recorded, what memoranda, if any, did you give to the election officers?—A. Specimen ballot votes, with the returns on it as they were on the return sheets.

Q. To whom did you give that? Give the names.—A. I gave one to John Harkins, one to Gibboney the Polander, and one to Carney. I took the record returned, and then I phones to the Record—

Q. What was the other officer's name?—A. McFadden, Carney, Harkins, and Kabonie. I think he is a Pole.

Q. What other record or memorandum did you make out that evening?—A. The Record had a little sheet there, asking them to do them a favor and telephone the returns in when we got them, and I went to the phone—the phone was right there in the house across the room—and called up the Record office and gave them the returns.

Q. What were the returns for Congress?—A. Forty-eight to 14, as it appeared in the Record November 9.

Q. Forty-eight for who?—A. McLean.

Q. And 14 for whom?—A. Mr. Bowman.

Q. You phoned that to the Record?—A. Yes.

Q. When they were counting the vote, what was done with the watchers who were there?—A. They disappeared. I guess they were told to get on the outside.

Q. By whom?—A. McFadden, I think. I don't just remember who told them, but I suppose he was the man who told them.

Q. Who was in charge of the polls? Who was the judge of election?—A. Mr. McFadden.

Mr. JONES. What is his first name?

A. James F. McFadden.

Q. You telephoned to the Wilkes-Barre Record the vote that had been cast and recorded for McLean and Bowman?—A. Yes.

Q. And the next morning, or at any time subsequent to that, did you see what was recorded in the Record as to the vote?—A. Yes, sir; 48 to 14.

Q. Was that the same as you had telephoned?—A. Yes.

Q. The next morning—that is, on November 9, the day after the election—did you see anybody with the ballot box that had been used in the second ward?—A. No, sir.

Q. In the morning of the election who took the lock off the ballot box?—A. McFadden, I think. There was some trouble in getting the lock open.

Q. What did he do?—A. Broke it.

Q. What lock was put on afterwards, if any?—A. There was a lock put on.

Q. By whom?—A. McFadden.

Q. Who had the key of that lock?—A. I couldn't tell you; I know that I didn't.

Cross-examination by Mr. JONES:

Q. How many conversations before to-day have you had about this election with Mr. George McLean?—A. Why, one day I wasn't in. I come in afterwards, my mother says.

Q. I don't care what your mother said. How many conversations did you have with McLean?—A. I have to come to the point by telling you—one, two, three, four, five—

Q. Just come to the point by telling me. Did you have two conversations with him?—A. Two.

Q. Where were they? How many conversations did you have with him?—A. Two.

Q. Where were they?—A. In his office, and I met him one day during license court on the street car.

Q. License court was how long after election?—A. I couldn't tell you.

Q. About how long was it?—A. It might have been a month after election when I first heard from him.

Q. You had a conversation with Mr. McLean in his office this morning, didn't you?—A. No, sir.

Q. Have you talked at all with Mr. McLean this morning?—A. Yes, sir; I told him to phone the Western Electric people and tell them why I wasn't working this morning.

Q. When you were sworn in this case you were taken from the witness stand and taken in the next room?—A. Yes, sir.

Q. By Mr. McLean?—A. Yes, sir.

Q. And you had a conversation with him after your testimony started?—A. Yes, sir.

Q. What did he say to you?—A. He asked me about the lock.

Q. Had he ever asked you about the lock before?—A. No, sir.

Q. What did he say?—A. He asked whether I recalled what lock was put on, and whether there was a lock broken that morning.

Q. And a new lock substituted?—A. Yes, sir.

Q. Do you know where McFadden got the new lock?—A. I don't.

Q. Let me ask you this question: Who was the majority inspector at that election?—A. Carney, I think.

Q. What is his first name?—A. John.

Q. That is a Democratic district?—A. It is supposed to be.

Q. You say that you were a clerk to the judge?—A. Yes, sir.

Q. That is a new position in Pennsylvania elections, isn't it?—A. Well, I was a clerk on the board.

Q. As a clerk were you the judge's clerk?—A. The judge of election, I guess—the judge of election.

Q. Who appointed you?—A. McFadden.

Q. Had you ever served on election boards prior to that time?—A. Yes, sir.
 Q. Were you a clerk at that election?—A. Yes, sir.
 Q. Had you ever served prior to that time?—A. No.
 Q. Who was the other clerk?—A. It was the Polander fellow; ain't it?
 Q. You have only five on your election board?—A. The Polander fellow was the inspector.

Q. Which inspector was he?—A. He must have been the majority inspector.
 Q. Yes; because Harkins was the minority inspector?—A. Yes, sir; and Carney was clerk to him.

Q. What was the Polander fellow's name?—A. Kabonie, I think.
 Q. John Kabonie?—A. Yes, sir.

Q. Do you spell it the same way as the reformer spells his name?—A. Yes; I think.

Q. Were you present at the counting of the votes?—A. Yes, sir.
 Q. What was the vote, as counted for Congress?—A. Forty-eight to 14 in favor of McLean.

Redirect examination by Mr. CAMPBELL:

Q. Do you know Thomas Kennedy of the second ward of Edwardsville?—
 A. Yes, sir.

Q. He is assistant chief of police?—A. Yes, sir.

Q. What other office has he?—A. High constable.

Q. He is constable of what ward?—A. The second.

Recross-examination by Mr. JONES:

Q. Was there anybody in the election room besides the election board?—
 A. No, sir.
 Q. All the watchers went out?—A. Yes.

Hearing adjourned until 10 a. m., Thursday, March 2, 1911.

THURSDAY, MARCH 2, 1911.

Hearing resumed at 10 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John E. Jenkins, Esq.; A. C. Campbell, Esq., counsel for contestant; Arthur L. Turner, Esq., contestant's commissioner; C. C. Bowman, contestee, in person; Evan C. Jones, Esq., counsel for contestee; John A. Opp, Esq., contestee's commissioner.

JOHN HARKINS, recalled on behalf of the contestant.

Examination by Mr. CAMPBELL:

Q. Yesterday you testified that you were the inspector in the second ward of Edwardsville, in the election held in November?—A. Yes, sir.

Q. Please state how it came about that you acted as inspector?—A. McFadden called me in as inspector.

Q. Who was he?—A. The judge of election.

Q. What time did he call you in?—A. About half past 7 o'clock.

Q. Of what day?—A. That morning.

Q. During the day what duties did you perform; what did you do during that day? First, did you keep a list of voters?—A. No.

Q. What did you do there?—A. I sat there beside the ballot box and handed the ballots to the ones who voted.

Q. When it came to the counting of the vote at night, what did you do?—A. Handed the ballot box to Carney and McFadden and Shields, and they were counted out.

Q. In the morning before you began to act as an inspector did you sign any papers?—A. No, sir.

Q. Or swear to any papers?—A. No, sir.

Q. You understand my question? In the morning before you began to act as an officer of that election board did you sign any papers or swear to any papers?—A. McFadden swore me.

Q. Who told you where to sign your name?—A. McFadden.

Q. Now, you signed a tally sheet and return of election, did you not?—A. Yes, sir.

Q. When did you sign those?—A. In the morning.

Q. About what time in the morning?—A. About, I guess—there was not much to do there—about 10 o'clock or 11 o'clock.

Q. Who else signed the sheet at that time?—A. They all did.

Q. Do I understand you, then, you say then you signed the sheets showing the tally of the votes and the return before the vote was counted?—A. No; when the votes were counted Carney and Shields wrote down the returns.

Q. You didn't answer my question. Did you in the morning, about 10 o'clock, sign your name to the papers and the election returns before the returns were put on?—A. I don't understand.

Q. I will put it again. What papers did you sign about 10 o'clock in the morning?—A. The election papers that McFadden brought out, but I won't swear that he told me to sign.

Q. What papers were those?—A. I guess they were papers for the election, what office you were going to hold, what you were doing there.

Q. When did you sign any papers which you had to return to the court?—A. I signed what they signed.

Q. Did you sign any papers which the law requires you to sign?—A. I guess I did.

Q. When did you sign them?—A. In the morning.

Q. After the vote had been counted, after the polls closed, did you sign any papers; then, at that time did you sign any papers?—A. Yes, sir, we did, I believe.

Q. What papers did you sign?—A. No; we signed no papers at all in the night, only they counted the votes and gave us a sheet each.

Q. Gave each of you a sheet?—A. Yes.

Q. Who put the—do you know what a tally sheet is?—A. Yes, sir.

Q. Who put down the marks or who kept the tally sheet?—A. Carney and Shields.

Q. What did McFadden do?—A. McFadden too; they were all writing.

Q. I will ask you again. After the vote was counted or finished did you or the election officers sign any papers which were to be returned to the court?—A. I guess we did; yes, sir.

Q. What did you sign?—A. Well, what papers? I signed two or three papers, I guess.

Q. When did you sign them, in the morning or the afternoon?

Mr. JONES. He has testified those in the evening—that he signed them in the evening.

A. In the morning: McFadden told me about the papers when he signed them. He told me to sign, and I signed as he told me.

OLIN HARVEY, called on behalf of the contestant, and duly sworn by Commissioner Turner.

Examination by Mr. CAMPBELL:

Q. Mr. Harvey, you are the deputy prothonotary of Luzerne County?—A. Yes.

Q. The prothonotary's office is the office to whom returns of election were made by various election boards in the election held November 8, 1910?—A. Yes, sir.

Mr. JONES. Are you calling a witness, notice of the calling not having been served upon us?

Mr. CAMPBELL. Yes, sir.

Mr. MCLEAN. We have subpoenaed the prothonotary, and this man represents the prothonotary. We gave you notice of subpoenaing the prothonotary, Mr. Powell, and Mr. Harvey appears here as his deputy.

Mr. JONES. Go ahead.

Q. Have you in your possession the return, triplicate return, tally sheet of voters, and oath of officers returned by the second ward of the borough of Edwardsburg for the election held on November 8, 1910?—A. Yes.

(Witness shown papers marked "Election officers' oaths.")

Q. Is that one of the papers so returned?—A. Yes, sir.

(Witness shown paper called "Triplicate return, second ward, election district of Edwardsburg.")

Q. Is that the triplicate return so returned?—A. Yes, sir.

(Witness also shown tally sheet of voters for the same ward and for the same election.)

Q. Is that the tally sheet so returned?—A. Yes, sir.

Q. Whose names are subscribed to the tally sheet?—A. James F. McFadden, as judge; John Carney and John Gabowitz, inspectors; John Harkins and Thomas Shields, as clerks.

Q. What names are subscribed to the triplicate return?—A. Thomas F. Carney, judge; John or J. M. Caruey and John Gibotiz, as inspectors; and John Harkins and Thomas Shields, as clerks.

Q. And to the election officers' oaths, whose names are subscribed?—A. James F. McFadden, as judge; John or John M. Carney, as inspector; John Gibotiz, as inspector; John Harkins, clerk; and Thomas F. Shields, as clerk.

Q. The papers which I have shown are the sealed or the unsealed returns?—A. They are the sealed returns.

(Witness shown paper called "Return sheet" for the same ward and the same election.)

Q. Whose names are subscribed to this paper?—A. The same names.

Q. Was that sheet in the open or sealed return or the unsealed return?—A. In the unsealed return; yes, sir.

Q. What are the requirements of the law as to the return—what shall be returned to the prothonotary by the various election officers?—A. The election officers shall return, in sealed envelopes, the oath of office, triplicate return, tally sheet, and any oaths that are taken.

Q. The open return is the return sheet.

JOHN HARKINS, recalled on behalf of the contestant.

Examination by Mr. CAMPBELL:

(Witness shown paper identified by the preceding witness, the deputy prothonotary as election officers' oaths, and his attention is called to his signature, "John Harkins, clerk.")

Q. When did you sign your name to that oath of office?—A. In the morning, I guess.

Q. In the morning?—A. Yes, sir.

(Witness shown paper identified as triplicate return for the second ward in said election, for also the second ward, and his attention called to his signature, "John Harkins, clerk.")

Q. Look at that paper now. When did you sign your name to that paper?—A. I don't think I ever signed it. I don't believe I signed it.

Q. You don't believe that you signed it?—A. No.

Q. Look at that paper, which is a return of the election. The triplicate return.—A. I signed it; I signed it in the morning.

Q. When did you sign the paper marked "return sheet" and identified as such?—A. The return sheet?

(The witness's attention is called to the signature of "John Harkins.")

Q. When did you sign that?—A. When the ballot was all counted, I guess.

Q. Not a guess, but when did you? In the morning, or when—

Mr. JONES. You are leading the witness. He said that he signed it when the ballots were counted.

A. In the morning I signed; all the signing was done when we had nothing to do, as far as I know.

Q. Then please say so. [Witness shown tally sheet, identified by the deputy prothonotary, and his attention is called to the signature, John Harkins.] When did you sign that?—A. In the morning.

Cross-examination by Mr. JONES:

Q. What time did you come over to Wilkes-Barre this morning?—A. About 5 minutes of 10.

Q. What office did you come to when you came over here?—A. Came up to the office.

Q. Whose office did you come to?—A. George R. McLean's office.

Q. Did you have a talk with George R. McLean?—A. No, sir.

Q. What did you do in his office?—A. I came in here where I was told to come.

Q. The room we are now meeting in is not George R. McLean's office, is it?—You were in George R. McLean's law office?—A. I came in here to see where the men were—

Q. You were in George R. McLean's office before you came here this morning?—A. Yes, sir.

Q. Who did you talk to there?—A. Nobody.

Q. Didn't you talk to George McLean?—A. George McLean and another man were looking at those papers. I didn't sit down there.

Q. George R. McLean and some other man were looking at those papers in his office while you were there?—A. They were there forinst me. I was sitting on a chair.

Q. I don't care what you were sitting on. Did you look at any papers in his office?—A. No.

Q. What papers did the other man have there with George McLean?—A. I don't know, but I think it was these papers.

Q. What did they ask you about those papers?—A. Nothing at all.

Q. Didn't McLean ask you if you were the inspector of election or the clerk at that election?—A. No; not if I know.

Q. You would know if he asked you?—A. Yes.

Q. Did he ask you?—A. No; not that I know.

Q. Didn't he go over your testimony with you of the other day and tell you that you had made a mistake when you said you were an inspector, and that you were not an inspector, but a clerk?—A. McFadden asked me as I—

Q. I don't care what McFadden did. I am asking you what McLean did. Did he not go over this, these papers, and tell you that you were mistaken the other day?—A. He showed me no papers at all.

Q. You were not an inspector of that election at all.—A. What was I? I was no clerk.

Q. God only knows, if you don't. Don't you know what you were in that election?—A. I know I was an inspector, because it was Carney and Shields done the writing.

Q. Can you write much English?—A. Not much.

Q. Can you read English?—A. Yes, sir.

Q. Do you read the newspapers?—A. Once in awhile.

Q. But even to be able to read them once in awhile you have to be able to read them though?—A. Not much.

Q. Can you read a newspaper?—A. Yes.

Q. Then you can read those sheets that Mr. Campbell has laid before you if you want to? Can you read these sheets that they have just shown you?—A. I can my name there; I know my own name.

Q. Can you read what is on the sheet except your own name?—A. No.

Q. It is in English, and if you can read the newspapers, why can't you read these sheets?—A. I can't read them all, I guess.

Q. Not them all?—A. No.

Q. Pick out the one you can read. Which one of these can you read?—A. I can read my own name all right.

Q. Can you read anything else all right?—A. I know my writing.

Q. You know your own writing?—A. Yes.

Q. You say you didn't write your name to these returns after the votes were counted?—A. No; in the morning.

Q. Didn't you say a little while ago that you wrote your name to some of the sheets after the votes were counted?—A. No.

Q. You say you acted as an inspector at an election before?—A. I was doing nothing of the writing there that day; Carney and Shields did the writing.

Q. You were interested in seeing that a proper and correct return of the vote as cast was returned to the court?—A. McFadden called me in.

Q. You knew it was your duty as one of that board to see that an honest return was made?—A. Yes; and what I done was right and correct.

Q. How many votes were cast that day?—A. Bowman was the highest.

Q. Tell me how he got the highest vote; what do you know about that?—A. I don't remember.

Q. How many votes were cast altogether?—A. I don't remember.

Q. Were there \$100?—A. I don't remember.

Q. Were there 200?—A. There couldn't be 200.

Q. Could it be 100?—A. Yes; it could be 100. I can't tell you the exact number as I kept no account.

Q. As the voters came and got their ballots, who put their names down on the voting list?—A. Shields and Carney; they were doing the writing and me and the other man had the votes.

Q. You have served on election boards before?—A. It was a long while ago.

Q. You told me the other day that you had served before?—A. Yes; but it was a long time ago.

Q. You had served before, hadn't you?—A. Yes; well, it is a long time ago.

Q. I don't care if it is a million years ago. You had served before?—A. I don't remember what I was doing.

Q. Don't you remember now whether you ever served as an election officer before?—A. I don't remember now.

Q. What did you mean by swearing that you had, but that it was a long time ago?—A. It was a long time and I can't tell you what it was now.

Q. Then you did serve a long time ago?—A. Yes, sir.

Q. You acted as an election officer, and you knew as an election officer, and as a citizen, that you—that it was your duty as a member of that board to see that an honest return was made to the court, didn't you?—A. That is what I tried to do.

Q. Did you look at that return sheet—these return sheets after they were made up that night and filled in?—A. They had them outside the door.

Q. After the votes were all counted and the tally sheets made up they were sealed there, were they not?—A. Yes.

Q. And put in envelopes?—A. Yes.

Q. You saw that done?—A. Yes.

Q. Before they did that, did you look at these return sheets and the tally sheets to see that they were correct?—A. I judge they were correct when they were there. They were all counted; that is right.

Q. You looked at them to see if they were correct, did you?—A. I was looking at them doing it.

Q. Of course, as a faithful election officer, you saw that the returns as filled out were correct before you sealed them. Is that right?—A. That is right; we were all counting them.

Q. And these returns as made out that night before they were sealed were all right?—A. Yes, sir.

Q. And you had your name on them as all right, didn't you?—A. It was all right, but it was changed.

Q. You say that it was changed?—A. Yes, sir.

Q. Who changed it?—A. I don't know.

Q. Where was it changed?—A. I couldn't tell you.

Q. Where was it changed?—A. I don't know.

Q. How was it changed?—A. I can't tell you.

Q. Show me the change made on here?—A. I can't see any change there. McLean had 48 votes.

Q. I don't care how many votes he had. You say these sheets were changed?—A. I can't see any change there.

Q. Look that over and see if you can find a change there?—A. No; I can't see any change.

Q. Then, these sheets, as you see them now, were exactly as they were when sealed in your presence on the night of November 8?—A. I can't tell you that.

Q. Why? Why can't you tell me?—A. What the hell do I know about them.

Q. Is that the only answer that you can give?—A. I was no clerk and didn't do no writing.

Q. You are sure about McLean's vote?—A. He ought to get what vote was counted for him.

Q. You say that night you had a minority inspector's return sheet?—A. Yes, sir.

Q. And you have lost it?—A. Yes, sir.

Q. How many votes did that minority return sheet show for George McLean? How many did he have for Congress?—A. Forty-eight.

Q. And how many did it show that Bowman had?—A. Fourteen.

Q. How many did it show that John Tener had for governor?—A. I don't remember; seventy something. I am not sure how much. It was over 70.

Q. How many did Berry have?—A. I don't know; I don't remember about Berry.

Q. How many did Senator James have for State senator?—A. He didn't get a hell of a lot either.

Q. How many did Dewitt have for State senator?—A. He went pretty good.

Q. About how many?—A. He was up nearly to McLean, but not so many.

Q. You say that Dewitt on that return sheet had pretty nearly as many as McLean?—A. Pretty nearly up to McLean.

Q. How many votes did William Cleary have for the legislature on that return sheet?—A. I don't remember; a good bit, I guess.

Q. About how many did he have?—A. I don't remember.

Q. How many votes did John M. Reynolds have for lieutenant governor?—A. I don't remember that.

Q. How many votes did William Smith have?—A. I don't remember.

Q. How did William Smith run for lieutenant governor over there?—A. I don't know; I don't think he ran very well.

Q. I don't either; he wasn't running. How many votes did Henry Houck have for secretary of internal affairs?—A. I didn't pay any attention to them fellows.

Q. But you did pay attention to McLean's vote?—A. Yes; and more than him.

Q. Tell me somebody else's vote, as shown by the minority inspector's return sheet you had that night, besides McLean's and Bowman's.—A. If I had the paper—if I had the paper, I would show all of them.

Q. You don't have to have the paper to tell me how much McLean had, do you?—A. I didn't need that, because I paid attention. I thought he would get more; he ought to have got more. Our ward didn't turn out half enough to give him the Democratic vote.

Q. You were disappointed in McLean's vote?—A. My God, man, that is a Democratic ward.

Q. You were disappointed in McLean's vote?—A. Yes.

Q. Of course, you saw that McLean got every vote counted for him, didn't you?—A. They were counted there in front of the whole of us.

Q. The count was all right, wasn't it?—A. At that time; yes, sir.

Q. The count was all right at that time?—A. Yes.

Q. But you were disappointed in the vote for McLean?—A. I wasn't disappointed; but when I went up the road I saw that McLean had the 48 and Bowman the 14, when I went up to see how he was running, what the first ward was doing.

Q. You were especially interested in McLean?—A. Not particularly.

Q. Were you especially interested in McLean?—A. No.

Q. Were you a watcher that day?—A. No.

Q. Why did you go to the polls that morning?—A. I go to the polls every morning of election day.

Q. You are a miner?—A. No.

Q. Do you do any work at all?—A. Yes; I am a blacksmith.

Q. And you work every day that there is work?—A. Very nearly.

Q. Why didn't you work on election day?—A. I wanted to see how things were going.

Q. You laid off on election day to see how things were going, didn't you?—A. I lay off many a day.

Q. In whose interest did you lay off?—A. In the Democratic.

Q. Who asked you to go to the polls in the Democratic interest?—A. I am always a Democrat.

Q. Who asked you to go to the polls on election day?—A. Nobody at all.

Q. Why didn't you go to work?—A. I went there.

Q. Why did you go there?—A. I wanted to see how it was going.

Q. You were not a regularly elected officer?—A. I was called in.

Q. You were not called in until half past 7?—A. Yes.

Q. You were called in to serve as a clerk because you happened to be there?—A. No; I wasn't called in for a clerk. He called me in for an inspector.

Q. He called you in because you happened to be standing there?—A. Maybe.

Q. Didn't you get money from somebody to go there and get out the vote for Mr. McLean?—A. No; not a damn penny.

Q. Did you get money from anybody?—A. Not a cent.

Q. You got pay for serving on the election board?—A. That is all I got.

Q. How much did you get?—A. I don't remember—\$2 or \$3, I guess.

Q. You didn't get inspector's pay; you got clerk's pay?—A. Two or three dollars, I think. I got under \$3.50, I know.

Q. And you still insist that you were the inspector of election over there?—A. Yes, sir; an inspector. I wasn't no clerk at all.

Q. These papers which Mr. Campbell showed you you did sign?—A. They showed me where to write; they told me where to write and I wrote. McFadden was—

Q. And you think that Dewitt ran pretty nearly as well as McLean?—A. Dewitt did pretty fair.

THOMAS SHIELDS recalled on behalf of the contestant.

Examined by Mr. CAMPBELL:

Q. When did the officers of election sign the triplicate return; the tally sheet, and the return sheet, and their oaths?—A. I believe it was in the morning.

Q. After the vote had been counted who wrote on the triplicate return the number of votes which had been cast?—A. I believe that I did.

Q. You did?—A. Yes, sir.

(Witness shown the triplicate return, the return sheet, and the triplicate return, and his attention is called to the number of votes as written out for the various candidates balloted for at that election.)

Q. Is that your writing?—A. No, sir.

Q. Whose writing is that?—A. I couldn't tell you.

Q. Your attention is called particularly to the words in the triplicate returns, and in the return sheet opposite the name of Charles C. Bowman, Republican, 49, figures "49," and opposite the name of George R. McLean, Democrat, written out, the words "forty-two," and figures "42." Is that your writing?—A. No.

Q. Whose writing is it?—A. I couldn't tell you.

Q. Opposite the name of Charles C. Bowman, Republican, and opposite the name of George R. McLean, Democrat, being the candidates for Representative in Congress, what did you write in that paper, which was the triplicate return and the return sheet?—A. According to the Record returns next morning, I got up from the breakfast table and went to the phone and phoned the returns to the Record office, and I think you will find it in the Record of November 9.

Q. What did you phone the Record?—A. I looked at the Record and found them 48 to 14.

Q. What did you write on the return sheet and the triplicate return as being the vote?—A. Forty-eight to fourteen; that is what I took it off to make the returns to the Record.

Q. You kept the tally sheet there, did you?—A. Yes.

Q. Who kept it?—A. I kept one and John Carney another.

Q. At the close of the counting of the vote how many tallies were on the sheet which you kept for McLean and Bowman?—A. Forty-eight to fourteen by the Record returns next morning. Certainly it escaped my memory at the time, and I looked up the Record and found it. It is hard to memorize it all the time.

(Witness shown tally sheet of votes, and his attention is called to the words written "second ward, Edwardsville," "second ward, Mrs. Thomas Shields.")

Q. Whose writing is that?—A. It is not mine; that is one sure thing.

(Witness's attention called to the tally marks opposite the names and offices for which the various candidates run.)

Q. Did you make those tally marks?—A. I wouldn't swear to them tally marks. I couldn't tell you.

Q. Did you make them?—A. It was pretty hard to go along the rapid rate they were going, and I would not swear to any marks like that.

Q. I ask you if you made them?—A. Not if they show 48, or whatever they tally up there.

Q. They show 49 to 42.—A. No, sir; I didn't tally no vote like that.

Q. Did you tally such a vote as that for McLean and Bowman, 49 to 42?—A. No, sir.

Cross-examination by Mr. JONES:

Q. You had served on election boards before?—A. Yes, sir.

Q. How many times?—A. Once.

Q. Can you read and write English?—A. Yes, sir.

Q. Well?—A. Yes, sir.

Q. How old are you?—A. I will be 23 the 16th of June.

Q. You have been going to the public school?—A. Yes, sir.

Q. What is your business now?—A. Working for the Western Electric Co.

Q. Then you are an electrical engineer?—A. No; working for the Western Electric Co.

Q. In what capacity?—A. Putting in a switchboard down here.

Q. That morning you say you signed up the election returns?—A. Yes, sir.

Q. In blank?—A. Yes, sir.

Q. There were tallies and no figures upon any of the papers which you signed that morning when you signed them? —A. I wouldn't say it was that morning or before the votes were counted; we were hustling to get out of there and I signed them as they were handed to us around the table.

Q. Don't you know as a matter of fact that you signed the election returns that night, all of you?—A. We did?

Q. I am asking you.—A. Not if the vote shows 49 to 42.

Q. I don't care about that. When did you sign those election returns?—A. I must have signed them before if the vote shows 49—

Q. I am not asking you when you must have signed them.—A. I couldn't swear positively when I did.

Q. Will you swear you didn't sign them that night?—A. No, sir; because I was—

Q. If you don't know when you signed them, why won't you swear—A. Because the vote don't show what I did when—

Q. When did you sign those election returns, regardless of what the vote shows?—A. I couldn't have signed them after. I must have signed them before.

Q. What did you mean when you said a little while ago that you signed those returns when you were all seated around the table there in a hurry to get out?—A. They must have been present; I can't remember a couple of months' time.

Q. Your recollection as to what transpired as to those returns is a little indistinct?—A. Yes, sir.

Q. Did you put your name to each of those sheets?—A. Yes, sir.

Q. And you signed only three sheets?—A. I signed as many as were there.

Q. How many were there?—A. You got me; I forgot.

Q. How many votes were polled that day in your ward?—A. I couldn't tell you.

Q. You were a clerk, weren't you?—A. Yes.

Q. Did you keep a voting list?—A. Yes, sir; but I didn't pay any attention to the vote polled.

Q. Is that in your handwriting [showing witness paper]?—A. Not all of it. We kept it; when one of us went out another of the board kept it.

Q. Who kept the paper when you went out to lunch?—A. Some of the boys there.

Q. But you kept it yourself except when you went out for lunch?—A. Yes.

Q. What was the last number you wrote on there?—A. There was two of us at the table, Carney and I.

Q. I don't care how many were there. Look at that and tell me the last name that you wrote on there.—A. I may be sandwiched in here right along.

Q. I don't care if you are sandwich or ice cream; tell me the last name that you wrote on that sheet.—A. Twenty-one.

Q. Is that the last you wrote?—A. Give a fellow a chance; I am starting—

Q. I don't want you to start on it; do what I tell you. Give me the last name that you wrote on that sheet.—A. Why, 81.

Q. You are sure about that, are you?—A. Yes, sir.

Q. Look again.—A. Yes, sir; 81.

Q. Then there were 81 votes polled there, were there, at least, that morning?—A. There must have been.

Mr. CAMPBELL. If counsel would only keep his hand off the shoulder of the witness and keep away from him I think that he could get along better.

Q. Do you know now how many votes were polled there. Will you swear there were not 94 votes polled there?—A. No; I won't swear to the vote. We were all writing as they came in and whoever happened to be near there put it down.

Q. But every man voting was put on the list?—A. Yes, sir.

Q. And no other names were put on the list except those who voted?—A. Not while I was there.

Q. You were there when the voting was being done, when the vote was being counted, when the ballots were counted and the returns sealed?—A. Yes; I believe we all went out together.

Q. And then you all went out together?—A. Yes.

Q. You knew that it was your duty as a member of that election board to see that an honest return of this vote was made to the court?—A. Yes, sir.

Q. Did you do that?—A. I think we done it. We filled everything as they came to the polls.

Q. Everything, as far as you know, in the counting and recording of the vote was perfectly regular, wasn't it?—A. Yes.

Q. Who put the returns in the sealed envelopes?—A. McFadden, I think.

Q. The judge of election?—A. Yes.

Q. That was his duty?—A. Yes.

Q. You were there when he put them in?—A. Yes.

Q. And you knew that he was putting in that envelope certain sheets signed by you?—A. Yes.

Q. And you knew that was to go to court?—A. Yes.

Q. And you are willing to let that stand as your certificate as the proper return of that election?—A. Yes.

Q. I show you, now, these three papers which you now admit that you signed. Point out a single instance on any one of the three papers where there has been an erasure.—A. There is not any.

Redirect examination by Mr. CAMPBELL:

Q. Were there any votes thrown out by the board for Congress, if you recollect, and refused to be counted?—A. There were a few thrown out on account of splitting. The party voted the straight Republican and tried to split.

Q. And that was thrown out by the board?—A. I think there were a few thrown out, and some that you could not distinguish. And there were a few blanks we had to throw out. It might have been something on; we couldn't distinguish them.

Recross-examination by Mr. JONES:

Q. Were you there in the morning when the voting started?—A. Yes.

Q. Were you there when the judge of election opened up the package sent him by the commissioners, containing these return sheets?—A. I don't remember.

Q. Did you see anything more than those three sheets; was the minority inspector's report there?—A. I couldn't tell you.

Q. Don't you know that is all you got from the county commissioners, from your experience as an election officer?—A. No; I never knew it.

Q. You kept some tally there that day, didn't you?—A. Yes, sir.

Q. For which particular office did you keep tally while they were counting the vote? You kept one of the tally lists didn't you?—A. I kept them for every office.

Q. How many tally lists were kept?—A. Two.

Q. Who got the minority inspector's report?—A. I couldn't tell you.

Q. Do you know how many votes De Witt got for senator there?—A. No.

Q. Do you know how many votes Tener got for governor?—A. No.

Q. Do you know how many votes Houck got for secretary of internal affairs?—A. No.

Q. The only vote you remember is the McLean and the Bowman vote?—A. Yes; but I don't recollect that. I wasn't interested, only that I phoned the votes over to the Record.

Q. You take that 48 to 14 because it appeared in the Wilkes-Barre Record the next morning; is that it?—A. Yes, sir.

OLIN HARVEY recalled for cross-examination.

By Mr. JONES:

Q. Mr. Harvey, I direct your attention to the return sheet which Mr. Harkins and Thomas Shields testified that they signed. What does it show the number of the last ballot cast?—A. Ninety-four.

Q. What was John K. Tener's vote on the Republican ticket?—A. Eighty-five.

Q. Read the rest of that vote as it shows for every office by the return sheet.—A. Webster Grim, Democratic, 5; William H. Berry, Keystone, 4; lieutenant governor, John N. Reynolds, Republican, 61; Thomas H. Greevey, Democratic, 5; D. Clarence Gibboney, Keystone, 4; secretary of internal affairs, Henry Houck, Republican, 50; James I. Blakslee, Democratic, 5; John J. Casey, Keystone, 21; Representative in Congress, Charles C. Bowman, Republican, 49; George R. McLean, Democrat, 42; senator in the general assembly, Edward F. James, Republican, 77; Asa K. Dewitt, Democrat, 11; representative in general assembly, William B. Cleary, Republican, 49; James O'Donnell, Citizens, 3; W. P. Dajnowske, Federated Labor, 17.

Q. I now call your attention to the tally list, tally sheet of votes, as returned to the court, and now in your custody, for the second ward, which John Harkins and Thomas Shields stated that they had signed. What does that tally sheet show, computing the tallies for each office?—A. John K. Tener, Republican, 85; Webster Grim, Democratic, 5; William H. Berry, Keystone, 4; Lieutenant governor, John N. Reynolds, Republican, 61; Thomas H. Greevey, Democrat, 5; D. Clarence Gibboney, Keystone, 4; secretary of internal affairs, Henry Houck, Republican, 50; James I. Blakslee, Democrat, 5; John J. Casey, Keystone, 21; Representative in Congress, Charles C. Bowman, Republican, 49; George R. McLean, Democrat, 42; senator in the general assembly, Edward F. James, Republican, 77; Asa K. Dewitt, Democrat, 11; representative in the

general assembly, William B. Cleary, Republican, 49; James O'Donnell, Citizens, 3; W. P. Dajnowske, Federated Labor, 17.

Mr. CAMPBELL. The attention of the witness is called to the tallies recorded beside the name of John M. Reynolds, Republican. How many kinds of ink has been used on those tallies?

Mr. JONES. Are you an expert on ink?

A. I would not say that I was. It is either two kinds of ink, or two different parties.

Mr. CAMPBELL. Take opposite the name of D. Clarence Gibboney, Keystone. Whether these tallies were made separately, or were they connected without any space between the tallies? Are they connected up?

A. These look very much as though they were all made at once.

Q. Take William B. Cleary, Republican. What erasures have been made, if any? Have any erasures been made?—A. It don't look to me as if any erasures were made, but it looks as though it was lined over.

Q. Will you just identify those sheets to which the attention of the witness has just been called?

(Sheets handed to commissioner for identification.)

JOHN KARBOSKI recalled on behalf of the contestant.

Examination by Mr. JENKINS:

Q. You were examined here day before yesterday?—A. Yes.

Q. At that time you were unable precisely to give the amount of money you had spent?—A. Yes, sir.

Q. That is, in the ninth ward of the borough of Nanticoke? Are you prepared to say how much you spent in that ward?—A. I am, as far as I know; as far as I have been able to get.

Q. How much?—A. \$90.

Q. You spent \$90. How have you refreshed your recollection with respect to the amount that you spent?—A. I thought that I had committed to memory the people that I had paid. I went over each one to the best of my knowledge. I thought of \$90, which I paid.

Q. Then, since the last hearing you have not refreshed your recollection by examining any records you have made or any checks that you drew?—A. No, sir.

Q. Or no written memorandum?—A. Except one.

Q. What written memorandum did you consult?—A. I had a little paper that I had the names on of each man I paid in that ward.

Q. You have that paper and consulted it since the last meeting?—A. Yes, sir.

Q. When you were previously on the stand?—A. Yes.

Q. Have you that paper with you this morning?—A. No; but I have a copy of it.

Q. Why didn't you bring the original paper?—A. I didn't think that it was necessary.

Q. Since the last meeting you made a copy in that book you now produce of the names of the persons to whom you paid some money on or prior to election day, November 8, 1910, in the ninth ward of the borough of Nanticoke?—A. Yes, sir.

Q. And you find the moneys so paid out aggregate \$90?—A. Yes.

Q. Will you give me the names of the persons to whom you paid these sums of money, giving in each instance the name, the occupation of the person, and the amount so paid?—A. If I am able to do; but I don't know the occupation of all them. James M. Williams, \$5.

Q. Give us his occupation and the purpose for which that was paid.—A. As a poll man or a watcher.

Q. He is in the ninth ward?—A. Yes. His occupation is fire boss, I think. James Martin, \$5.

Q. What is his occupation?—A. Miner.

Q. Are all the persons whose names you have given and are now about to give, residents of the ninth ward of Nanticoke?—A. Yes.

Q. How many polling places are there in the ninth ward?—A. One.

Q. What was the occupation of the last witness?—A. Miner.

Q. For what did you pay him \$5?—A. As a poll man.

Q. Go on.—A. William Stavinski.

Q. What is his occupation?—A. Merchant: \$5.

Q. For what services?—A. I gave him \$5 for distributing cards for Mr. James for senator.

Q. That was for work done previously to election day, was it? Go ahead.—A. Max Rozinski, he got \$10.

Q. If you will, without repetition, give me the names and occupations and the kinds of service.—A. All right; he was a miner and paid as a watcher.

Q. He lives in the ninth ward?—A. Yes. Ernest Wilcox, paid \$5 as a watcher; miner. George Forman, miner, \$5 as a watcher; Charles Warmouth, \$5 as a watcher; George Bombay, miner, \$5; he is a miner, I think, as watcher. Adam Vaverick; I paid him \$5 for Senator James; he is a miner, I think, but not sure.

Q. For what purpose was that paid?—A. As a watcher. Senator James's watcher. B. Warkumski, \$5; occupation, miner; watcher. Thomas Williams, \$5; occupation, miner; employed as watcher. Andrew Lupko; I don't know really his occupation now. He is an insurance agent, I think. He was a hotel keeper, but I don't think he is now.

Q. Was he a hotel keeper last fall?—A. I don't remember.

Q. If you are not able to say the amount and the kind of services—A. \$5 as a watcher. Frank Trescott, watcher. T. S. Yohe, \$5; a miner, I guess; I don't know, but I think so; as watcher. Felix Wishneski, \$10; merchant; watcher.

Q. Now, of these persons whose names you have given, two were employed by you at \$5 each for and on behalf of Senator James; is that right?—A. Yes.

Q. One of them, for services rendered prior to election, was paid for his services in putting up cards, and the other for watching on election day; is that right?—A. Yes.

Q. And the remainder of those persons whose names you have mentioned were employed for and on behalf of C. C. Bowman by you?—A. No, sir.

Q. In whose behalf?—A. The party.

Q. They were employed for and on behalf of the Republican Party?—A. Yes, sir.

Q. Wasn't Mr. James a candidate of the Republican Party?—A. Yes.

Q. Wasn't the employment for these watchers for Mr. James also employment for the Republican Party?—A. Yes.

Q. So that all these men to whom you paid these sums of money, with the exception of the \$5 paid for putting up cards for Mr. James, was paid by you for and on behalf of the Republican Party for services on election day; is that true?—A. Yes.

Q. And all of them were watchers in the ninth ward of the borough of Nanticoke?—A. Yes.

Q. That is to say, in the borough of Nanticoke you employed 15 men on election day as watchers on behalf of the Republican Party?—A. Sixteen that I remember.

Q. One of them you say you paid \$5 for putting up cards?—A. Yes.

Q. Did he also act on election day?—A. No, sir.

Q. Did he distribute cards on election day?—A. He distributed them before election day.

Q. To voters?—A. Yes.

Q. Was he employed on election day at all?—A. I don't think that he was.

Q. But the other 15 men you paid as watchers on election day for the Republican Party?—A. Yes.

Q. Mr. Karboski, you have given the impression, in your account, that a number of them were miners?—A. Yes.

Q. Did the mines work on election day in the neighborhood of Nanticoke?—A. I think they did.

Q. Did these men report for their duty at the mines and do their day's work, as they ordinarily do, on election day?—A. I don't know.

Q. You were in charge for the Republican Party in the ninth ward of Nanticoke that day, were you not?—A. For the whole district.

Q. And you were actually in the ninth ward on that day seeing to the election; is that right?—A. I was there once.

Q. Do you want it to go on record here, do you mean to tell the commissioners that you, as chairman of that district in behalf of the Republican Party, and that you paid 15 men in one ward of this county, to wit, Nanticoke Borough, and you didn't see that the Republican Party got anything for their money?—A. I was there. I was there once in the afternoon.

Q. You say that you were there once in the afternoon; did you see those men working there?—A. Most all of them.

Q. What time were you there?—A. I can't recollect whether it was in the afternoon or the morning.

Q. Didn't you tell us that you didn't know whether or not those men went to work in the mines that day or not?—A. I don't know.

Q. When did you pay these men these moneys, this \$15 a piece?—A. I paid some of them, as far as we could, before the election, and other two days before election.

Q. As a matter of fact, you paid every one of these 15 men \$5 before election, didn't you?—A. I think that I did; most all of them.

Q. You didn't in a single instance, wait and put these men on their job as special watchers, as watchers, and see that they performed the services for the Republican Party before you paid them their money, did you? Answer the question, please. You didn't, in a single instance, you say, wait and see that these 15 men rendered their services to the Republican Party before you paid them the \$15, or I mean \$5?—A. I hired them and I paid them the money that I told them I would pay them.

Q. Now, Mr. Karboski, answer the question yes or no?—A. Why, they are regular Republican workers; Republican watchers.

Q. Answer the question, if you please?—A. No; I didn't see them at work.

Q. And you were at this polling place—you were at the ninth ward polling place—once in the course of the day?—A. Yes.

Q. And you don't know whether that was in the morning or in the afternoon?—A. I don't recollect, but I think that it was in the morning.

Q. And you can't say now whether these 15 men were on the job, or whether 5 or 10 were on when you came there?—A. I didn't count them, but the most of them were there.

Q. What were those 15 men doing, at the time that you got there, to earn that \$5 apiece?—A. Some of them were there and others were out seeking voters to come out and vote.

Q. Fifteen of them were doing that?—A. Yes.

Q. How do you know watchers were out asking men to come out and vote?—A. That was their duty.

Q. You don't know whether they did that?—A. Some of them said they did.

Q. When did they say that they did?—A. Right there when I was there.

Q. Those that were there—those that were out seeking voters—did not say that they were out seeking the voters to come and vote?—A. I said they were out asking voters to come out and vote.

Q. These business men—you named some business men—did they leave their business that day?—A. Yes.

Q. Who did; name me one man that did.—A. Washnefski was there all day.

Q. He earned his \$5, did he?—A. Yes, sir.

Q. How many votes were polled for the Republican Party—for the head of the Republican ticket in that ward on that election day—if you know?—A. I don't recollect.

Q. What was the total vote polled in that ward on election day?—A. I don't recall that.

Q. The Record Almanac gives the total vote polled that day as 357; is that substantially correct?—A. As far as I know; I don't know what the vote was that was polled.

Q. Now, you say these 16 men you have named to whom you paid \$90, 2 of them \$10, and 14 of them \$5, do you say that is all the money you paid out in the ninth ward on election day?—A. Yes, sir; as far as I know.

Q. As a matter of fact, didn't you have \$140 for application to the necessities of the Republican Party in that ward that day?—A. No, sir.

Q. You didn't have that much?—A. As far as I know that was all I had.

Q. In your testimony, when you were on the witness stand before, you testified that you received \$550, \$350, or \$900 for use in your district?—A. Yes, sir.

Q. According to the notes of testimony which we have taken, I find that you have accounted for \$644, and I will indicate to you in a question the persons whom we thus find from your testimony that you have paid, and I will ask you what you did with the balance?—A. There is a couple of instances that I wish to explain.

Q. I will put the question: Fred Tureck, Glen Lyon, \$60?—A. No; that is \$40.

Q. Dr. Davis, Glen Lyon, \$70?—A. I will correct that. That is \$60.

Q. James Turner, Alden, \$40; Frank Weeks, Wanamie, \$40; John James, Wanamie, \$25; Frank Mills, Wanamie, \$25; Thomas C. Hall, Shickshinny, \$24; Charles Stranski, Mocanaqua, \$15?—A. I want to correct that; that is \$10.

Q. John Clark, Mocanaqua, \$15; Dr. Long, Union Township, \$10?—A. That is \$5. I want to correct that.

Q. A person whose name you were unable to give, \$5. Then Evan J. Williams, Nanticoke, \$150; Carniston, Nanticoke, \$5; Thomas, Nanticoke, \$5; Frank, Nanticoke, \$10; then five individuals whose names you do not give, \$5 each; Anthony Petrosky, policeman, \$40. Making a total of \$534, as you have corrected it in your corrections now. Adding \$90 which you have testified this morning, making a total of \$624, as the aggregate expenditures to which you have testified made by you. I now ask you if these items as I gave in that question are substantially correct?—A. They are.

Q. I ask you what disposition you made of the \$276 remaining unaccounted for of the total of \$900 that came into your hands?—A. John Balla, \$5.

Q. Give the amount, the name, occupation, and service, and the place.—A. Nanticoke, I think that he is a miner, I am not sure, as a watcher; Anthony Broteski, Nanticoke, \$10, teamster; Frank Rutkosky, \$5, miner, watcher.

Q. What place?—A. Nanticoke, as a watcher; Andrew Cashper, \$5, Nanticoke, miner.

Q. These three persons you have testified to in Nanticoke, in what ward did they operate?—A. Two of them in the third—Balla in the third, Andrew Cashper is in the third, I think—the other two are in the fourth. Theodore Shiminski, \$5, fourth ward, occupation, I think, miner; services, watcher. Joseph Weiss, \$5; he is a miner and served as a watcher. Mike State, miner, \$5, fourth ward, miner. I think that he is a miner; he works around the mines, anyway.

Q. Who is W. H. Thompson in the first ward?—A. He is an old gentleman; he don't do much work.

Q. Except on election day?—A. No; that is the first time that I saw him there in a long time.

Q. What has been his occupation prior to the time he took up the occupation of gentleman?—A. He has always been a gentleman as far as I know. John Thomas, \$5, miner. I think this Thompson you got in the other.

Q. You gave that the other day.—A. I think you got John Thomas in the testimony, and you got this Frank Kriney, \$10.

Q. I ask you not to duplicate in your testimony now the names of any persons whose names you have previously given in your testimony.—A. Harry Cook, \$5, miner; Morgan Llewellyn, \$5; he is a bookkeeper.

Q. Where?—A. Down to the Susquehanna Coal Co.; there in the sales agent's office. William Switzer—I don't know his occupation—\$5.

Q. What ward?—A. Fifth ward.

Q. All these are for watchers?—A. Yes. Edwin Richards, \$5; Ignatz Novak, \$5. I don't know the occupation of Richards. The occupation of Novak is miner; in the fifth ward, services as watcher.

Q. Who else?—A. Barney Yarashetski, \$5, fifth ward, same purpose; Julius Heck, \$5.

Q. What ward?—A. Why, I gave him \$5. not as a watcher, but to distribute cards for Senator James. John Sullivan, \$5.

Q. What ward?—A. Fifth.

Q. Occupation?—A. I don't know; served as a watcher. Arthur Evans, \$5, miner, I think, as a watcher, fifth ward. Gus Robesky, \$5, in the fifth ward; occupation, miner; watcher. Lewis Nojek, \$5; he is a driver. He was employed for Senator James and the rest of the candidates, except Mr. Bowman; he was for McLean. Frank Moleski, \$10; or, I mean, Frank Matiewski.

Q. Frank Matiewski is the secretary of the Saloon Keepers' Association?—A. Yes. Andrew Seletski, \$5; he is a miner, as watcher. Joe Mutchavage, \$5; as a watcher. Fred Davis, \$5; he is a miner. Robert Smith, \$5; he is a miner. Frank Poplinski, \$5; I don't know his occupation. Carl Bednarck, \$5, for watcher.

Q. You are not giving the wards.—A. The sixth ward, and all for watchers. William Nadoloney, \$5. I think he works for the electric light company; I am not sure. He is in the sixth. Cooney German, \$5; I do not know his occupation. In the sixth ward, John Mashefski, \$5—I don't know his occupation—\$5; watcher, sixth.

Q. The sixth ward?—A. Yes.

Q. And the one that was previous to that was also in the sixth?—A. Yes. Adam Segneski, \$5, eleventh ward. Occupation, I think he sells powder for the coal companies there; that is his occupation.

Q. Sells powder to the miners for the coal company?—A. I think that is it. Services, watcher. Frank Swartz, eleventh ward, miner, watcher, \$5. George Gillis, \$5, in the eleventh ward, watcher, miner. Steve Myeski, \$5. Andrew Cheveski, \$5, miner. Herman Wint, \$5. Louis Nowak, \$5; miner, I guess. Mike Blukus, \$5.

Q. Give the ward?—A. From Adam Segneski, they are all in the eleventh ward. Barney Warcumski, \$5, same ward. John Blukus, \$5. Frank Yarumski, \$5. We are through with the eleventh.

Q. What are you giving now?—A. Just got through with the eleventh.

Q. The eleventh?—A. Yes. Martin Swartz, seventh ward, \$5. Henry Garboski, \$5, seventh ward.

Q. That is in the seventh?—A. Yes; now the tenth; Jacob Perry, \$5. Charles Adormski, \$10. Philip Edwards, \$5.

Q. These are all in the tenth ward, watchers?—A. Yes; Fred Roper, \$5. John Badman, \$5. Thomas Samuels, \$5.

Mr. MCLEAN. What is Badman's business?

A. Merchant.

Q. All in the tenth ward?—A. Yes, sir; but the three last ones were in the eighth ward.

Q. The occupation of these men, one after another?—A. Two are miners and Badman is a merchant.

Q. All as watchers?—A. Yes; and that is all.

Q. May I look at the book from which you have given those statements?—A. Yes; there are some notes I don't care about for you——

Q. I mean in this matter. I don't want to pry into your private affairs. Where does it begin from where you gave your testimony here?—A. Right here [witness hands book to counsel].

Q. You have, in giving your testimony now, refreshed your recollection by consulting a small memorandum book, being a diary for 1911; is that right?—A. Yes, sir.

Q. And the names and amounts which you have testified to and entered of record are the names and amounts which you took this morning from this book as you gave them?—A. Yes, sir.

Q. You testified that this book, or the memoranda in this book, in so far as it relates to your testimony, is a memoranda that you made since the last hearing from written memoranda you had in your possession?—A. No; not from written memoranda—from memory. There are lots of those that I didn't keep a record of at all. I had at one time a record of it all, but after the election was over I destroyed them.

Q. Didn't you testify early this morning, Mr. Karboski, that you had since last election, since your previous testimony on Tuesday, consulted a written memoranda, and that you hadn't brought it with you, but would produce it if we wanted it?—A. I will; yes; but it don't give all the names there now.

Q. You mean to say the written memoranda you have will not give all the names that appear here?—A. No, sir.

Q. But you did transcribe from your written notes, whatever they were, into this book you produced this morning some memoranda that you used in giving your testimony to-day?—A. Yes.

Q. Why did you do that?—A. I tried to give you the record of the whole proposition.

Q. Why didn't you produce the original memoranda instead of taking the trouble of writing into this book?—A. Because I wrote these names I had on this memoranda and others that I thought of—that is, those that I paid money to here; I thought that I could put them altogether.

Q. Will you bring that original memoranda to the next hearing?—A. I will.

Q. You have given testimony this morning accounting for \$225 in addition to the \$624 you previously accounted for, leaving unaccounted for the sum of \$21, if our figures are correct. You have accounted for \$624 in your previous testimony and for \$225 this morning, thus making a total of \$879, and leaving unaccounted for \$21. Can you account for that balance of \$21?—A. I can't.

Q. Did you take receipts for any of the amounts, aggregating nearly \$900, that you expended?—A. No; I did not.

Q. What was the condition in the ninth ward of the borough of Nanticoke, which in your judgment as the Republican representative, as the representative

of the Republican Party, at that election, in that ward, necessitated the employment of 15 persons as watchers?—A. There was no particular condition no more than any other election. It is a big ward, and unless you have lots of men there you don't get out the vote.

Q. You were not apprehensive of any disturbance of the election, were you?—A. No.

Q. Nor of the commission of any fraud?—A. No.

Q. And yet in your judgment as the representative of the Republican Party, it was necessary to protect the interests of the Republican Party in that ward to employ 15 men in that election on that day, was it?—A. Yes, sir; it is one of the biggest wards in town.

Q. In the sixth ward you found it necessary to employ watchers, did you? That is, employ 9 watchers?—A. In the sixth, I don't think there was 9 in the sixth.

Q. Didn't you testify that you had put in the sixth ward—that you had employed Seletski?—A. That is in the second ward.

Q. Where was Seletski employed?—A. In the second.

Q. Now, you employed 6 men on behalf of the Republican Party in the sixth on last election day, did you, at \$5 each?—A. I think so; yes, sir.

Q. How many did you employ in the eleventh?—A. I don't know; count them.

Q. I will ask you—you have your notes there. How many did you employ in the eleventh ward?—A. Eleven.

Q. Didn't you employ Yarumsky; is that the last you employed there?—A. I employed 11 in there.

Q. How many did you employ in the fourth ward?—A. Six.

Q. How many did you employ in the fifth ward?—A. Eight.

Q. Did you say that you employed 8 in the sixth?—A. I think so.

Q. How many did you employ in the seventh?—A. Only 2 that I know of.

Q. How many in the eighth?—A. Three.

Q. How many in the ninth. You have given that. How many?—A. Ninth?

Q. Yes.—A. Fifteen or 16.

Q. Do you mean the men to whom you paid the additional \$5 as watcher, too? I am asking for the facts. Did you employ 15 or 16?—A. Fifteen.

Q. Did you do any work on election day?—A. I testified I didn't.

Q. How many did you employ in the tenth ward?—A. Three that I know of.

Q. In the eleventh you employed 11?—A. Yes.

Q. There are how many wards in the borough?—A. Eleven.

Q. That is all, is it?—A. Yes.

Q. Have you given the number that you employed in the first, second, and third wards?—A. Yes, sir.

Q. How many men did you employ in the first ward?—A. Four.

Q. And in the second how many?—A. Five.

Q. In the third how many?—A. One.

Q. Are you able to say, Mr. Karboski, whether the fourth ward is a Republican or Democratic ward, ordinarily?—A. Why, ordinarily I think that it is Republican, as far as I know.

Q. How about the fifth ward?—A. Republican.

Q. How about the sixth?—A. I can't say about the sixth.

Q. How about the ninth?—A. I think usually goes Republican.

Q. How about the eleventh?—A. Republican.

Q. That always goes Republican?—A. Usually; yes, sir.

Q. Now, will you tell us what the conditions were in the fourth that prompted you to employ 6 men there on election day for the Republican Party?—A. No special condition there, as we have about that many employed there always.

Q. Can you tell of any special condition in the fifth ward that made it necessary to employ 8?—A. No.

Q. No special conditions?—A. No.

Q. No special conditions in the sixth ward that made it necessary to employ 6 watchers?—A. No, sir.

Q. No special conditions in the ninth ward that made it necessary to employ 15 watchers?—A. No.

Q. Well, no special conditions; that is a big ward—A. No special conditions there. You know that is a big ward and we generally have that many watchers there.

Q. Do you mean that the Republicans generally have 15 watchers there?—
 A. Yes, sir.

Q. How many do the Democrats have in that ward?—A. I don't know.

Q. There were no special conditions in the eleventh ward?—A. No special conditions; it is a large ward, the same as the ninth.

Q. That is the only answer or explanation that you have?—A. Yes.

Q. That is the only explanation you have to give for these number of watchers in these wards?—A. Yes.

Q. It is customary in the Republican Party in this section of the county, is it?—A. Well, usually good many watchers employed.

Q. Do you know William Anthony?—A. I do.

Q. Where does he live?—A. Glen Lyon.

Q. What is his occupation?—A. He is a druggist.

Q. Did you have any dealings with him in the campaign?—A. No, sir.

Q. Did you have any political dealings?—A. No, sir.

Q. How much money did you pay him?—A. Nothing.

Q. You say that you did not pay William Anthony any money in this campaign?—A. No, sir; I did not.

Q. I mean this campaign that just passed?—A. No, sir.

Cross-examination by Mr. JONES:

Q. Were you ever district chairman before this year?—A. No.

Q. You have taken an active interest in politics in Nanticoke?—A. Yes.

Q. You are a merchant by occupation?—A. I am.

Q. In what business are you engaged in?—A. Clothing business and men's furnishings.

Q. How old are you?—A. I am 38.

Q. How long have you lived in Nanticoke Borough?—A. Since 1884.

Q. You are well acquainted with the conditions as they exist there politically?—A. Fairly well.

Q. You are of what nationality?—A. Polish.

Q. Were you born in this country?—A. No, sir.

Q. You have already testified that the population of Nanticoke is about 19,000?—A. Yes.

Q. What nationalities comprise the majority of this population?—A. Why, I think the Polish and the Slavish people are about half of the population.

Q. And a great many of these names you have read off here as watchers are Polish and Slavs?—A. Yes.

Q. To your knowledge, was a Democrat employed as a watcher in your district?—A. Not to my knowledge.

Q. Did you employ any personally?—A. No, sir.

Q. You say there was one Republican who worked for the entire Republican ticket, except Mr. Bowman?—A. Yes; there were several who were for McLean.

Q. Do you know if they were paid for working for him?—A. I don't know if they were working for McLean or not, but they said they would not accept pay to watch or work as a watcher for the whole party, because they wanted to support McLean.

Q. You have testified that you gave Mr. Turek and these other men in Newport Township money. Did you give that for the employment of watchers?—A. Yes; they submitted a list of watchers to me for my approval.

Q. Your men submitted a list to you?—A. Yes.

Q. How much were the watchers to be paid per man?—A. \$5.

Q. The township of Newport is comprised of how many villages?—A. There are five polling places.

Q. That comprises the towns of Wanamie, Glen Lyon, and Alden?—A. Yes; and Sheatown.

Q. Do you know how many people are in Newport Township?—A. Somewhere about 10,000.

Q. What is the population—the majority of the population—made up of; what nationality of people?—A. Polish and Slavish, and that element.

Q. You say that you gave Evan J. Williams \$150? He was secretary, acting under you?—A. Yes, sir.

Q. Was he employed for that purpose?—A. Yes, sir.

Q. Whether or not he sent out letters through the district?—A. Yes, sir.

Q. Your district covers a great amount of territory?—A. Yes.

Q. Nanticoke is the only large town in the district?—A. That is the largest town.

Q. And then Newport Township comes next?—A. Yes.

Q. And outside of that the rest of the district lies a great distance from Nanticoke?—A. Yes.

Q. About how far would the farthest point be?—A. Berwick. I don't know how far that would be.

Q. Down in Salem Township?—A. Yes.

Q. About 30 miles, isn't it?—A. Somewhere around there.

Q. And of this money you so distributed you received \$550 from Jonathan R. Davis?—A. Yes.

Q. You say that you have employed or authorized the employment of no special watchers for Mr. Bowman?—A. Not one.

Q. Every watcher that you paid or authorized to be paid was to watch, and was in the general employment of the Republican ticket?—A. Yes.

Q. But you did employ a few special watchers for Mr. James, who was then a candidate for senator in your district?—A. Yes.

Redirect examination by Mr. JENKINS:

Q. You testified in cross-examination, in response to Mr. Jones's question that various people to whom you paid these larger sums of money submitted to you list of watchers?—A. Yes.

Q. For your approval?—A. Yes.

Q. Did you testify that they submitted to you lists of watchers in a number sufficient to equal the amount of money that you handed to them at \$5 per watcher?—A. Yes.

Q. In other words, you say that Evan J. Williams submitted to you a list of 30 watchers?—A. No; all excepting Mr. Williams; he was secretary to me and helped me.

Q. Do you know what Mr. Williams did with that \$150?—A. I do.

Q. How many watchers did he employ?—A. I can't answer that. I don't know who he employed watchers for.

Q. For what territory?—A. For most of that money, I guess.

Q. For what territory?—A. Through the district.

Q. Through the district embracing Nanticoke and Newport Township—through the whole fourth district?—A. Yes.

Q. In Newport Township the population is almost entirely engaged in the work of mining, is it not?—A. Yes.

Q. That is practically the sole industry of that community?—A. Yes.

Q. And Nanticoke the population is very largely and chiefly engaged in mining?—A. Yes.

Q. The men of the working class are employed in and about the mines?—A. Yes.

Q. That is true of all the district that you have charge of, excepting a certain farming section back of the mountain that is sparsely populated?—A. Yes, sir.

Q. Now, these watchers in the borough of Nanticoke, concerning the payment of whom you gave testimony this morning, you personally paid the money to, did you?—A. Yes; most of them.

Q. I find that you have testified to the employment of 64 men in the 11 wards of Nanticoke. How many of these 64 men could you testify were on the job during the day, from your own knowledge?—A. I can't tell you; I don't know.

Q. How many of them did you furnish with watchers' certificates at the time when they went on the job?—A. Most of them.

Q. You say that you furnished your watchers, all of your watchers, with watchers' certificates?—A. Yes.

Mr. JONES. It appears that William S. McLean, jr., brother of the contestant, who was his campaign manager and treasurer, is about to leave on a visit to the southern part of the country. The contestee desires to call Mr. McLean aforesaid when it opens its case, and if he is to be back within a month, as stated in the papers, we would like to know if Mr. McLean, the contestant, knows?

Mr. MCLEAN. Yes; he will be back in a month from March 4.

(Hearing adjourned until 1.30 p. m.)

(Hearing resumed at 1.30, pursuant to adjournment.)

C. C. BOWMAN, contestee, recalled by contestant.

Examination by Mr. LENAHAN:

Q. Have you got the checks preceding the period of time you brought the checks, beginning, I think, in September or October? You were to have them here; have you got them?—A. I have not.

Q. Prior to September?—A. As I recollect it, the checks that I brought here were dated August 30.

Q. Yes; you were to have here the checks previous to that.—A. You recall that my attorney, Judge Wheaton, told me not to furnish them, as they had no connection with the contest.

Q. No; he did not. He instructed you not to bring them to-day. We want them now, before we close this hearing.

Mr. LENAHAN. Judge Wheaton said he would take up the question and would produce them if we demanded them.

A. That is a matter you will have to take up with my counsel.

Mr. JONES. You have not got them here, and the reason is because Judge Wheaton advised you that you did not have to have them?

A. No; and I don't know where they are.

Mr. LENAHAN. We only require the checks and the accounts which are here and the journal and the girl.

A. She is working on that, and you can not have that until she has posted that. I will produce the checks, but she is working on the stubs now. That was right after February, and you can have the checks but not the stubs; she is working on them now, in connection with her posting.

JAMES QUINN, recalled on behalf of the contestant.

Examination by Mr. LENAHAN:

Q. What is your business?—A. Clerk.

Q. Where?—A. In the county commissioners' office.

Q. You are in the employment of the county?—A. Yes, sir.

Q. Paid a salary by the county, so much a month for clerical work?—A. Yes.

Q. You were chairman of what district?—A. The second legislative district of the Republican organization.

Q. You live where?—A. In Wilkes-Barre Township, at Georgetown.

Q. You have lived there for how long?—A. I have lived there for over 40 years.

Q. How old are you?—A. Forty-five.

Q. You are well acquainted in Wilkes-Barre Township, are you not?—A. Yes, sir.

Q. There is not a man there in politics that you don't know, is there?—A. I know nearly all the voters, except the foreign element. I don't know all of them.

Q. You know all the men of Irish, Welsh, and American extraction?—A. Yes; I think I do.

Q. All the men of any influence?—A. Yes.

Q. Do you know all the English-speaking men and people there in that township?—A. Yes.

Q. Do you know a man named John T. Williams in Wilkes-Barre Township, to whom Jonathan R. Davis paid money—paid \$30?—A. No, sir; I never heard of that man.

Q. You never heard of that man, did you?—A. No.

Q. You received from Jonathan R. Davis, as chairman, how much money?—A. \$400.

Q. Will you go on, now, and tell us to whom you paid that money? Have you got the list there?—A. I have the checks.

Q. All of them?—A. I know them all. I paid \$260 out in checks and the rest I paid out myself.

Q. In cash?—A. Yes.

Q. I wish you would go on and tell me the names of the men and the amounts, where they lived, to whom you made these payments.—A. Llewellyn Davis, \$10; ward, Ashley; poll man.

Q. What is Llewellyn's business?—A. I don't know.

Q. Did you know him before you paid this money?—A. I don't know the man at all. I mailed him the check.

Q. At whose request did you send him the check?—A. He was the committeeman appointed in the first ward of Ashley.

Q. He was appointed to look after the selection of poll men, was that it?—A. On the recommendation of the candidate of the legislature.

Q. Who was the next?—A. Harry Riner, poll man, \$10, in the second ward.

Q. What does he do?—A. I think he is a railroader.

Q. The next?—A. The next in the third ward is George Martin, \$10, for poll men; I don't know what he does.

Q. Do you know him?—A. No, sir.

Q. You don't know him?—A. No; I mailed these checks to these parties. The next is Black Creek Township, Maurice Ragen, \$10, for poll men in the first district.

Q. Black Creek Township?—A. Yes, sir.

Q. What does he do?—A. I couldn't tell you. I know the man, but I don't know what he works at. I think he is a farmer or lumberman or something.

Q. Who is next?—A. The next is James G. Singerly, second district, Black Creek Township, \$10, for poll men for the second district. The next is Butler Township, first district, Edwin Jacobs, \$8 for poll men. The next is George Kuehn, third district, Butler Township, poll men. The next is Conyngham Borough, Howard Knelly, \$6 for poll men. The next is Dorrance Township, S. M. Engler, \$6 for poll men. The next is—I haven't got that check here—it is Dennison Township, Jesse Krewson, first district, \$6. That check never came back. It appears to me it wasn't cashed.

Q. Do you mean that he never cashed it; is that what you mean?—A. Yes; the check never came back to me. The next is Fairview Township, Thad. Swartwood, \$10 for poll men. The next is Hollenback Township, Paul Whitebread, \$10 for poll men. The next is Hanover Township, north district, Arthur Williams, \$10 for poll men. I think he works in the Ashley shops.

Q. Is that in the Newtown district?—A. Yes; I think that he is a clerk in the Ashley shops.

Q. He is a clerk in the Central Railroad Co.'s shops at Ashley?—A. Yes; I think that is what McKeown told me he was working at. The next is the south district or the Askam district, Thomas Jenkins, \$10 for poll men.

Q. What does he do?—A. I don't know what he does. The third district there was nothing put there. There was no committeeman in there. There was nothing put in there. That is the Preston district. The next is the fourth district, Harry Conners for poll men, \$10. He is a plumber.

Q. I know him.—A. The next is the fifth district; that is Thomas J. Williams, Breslau.

Q. What does he do?—A. He is a clerk for the Parrish Coal Co. at Buttonwood. That is what they told me, and he is assessor at the present time. He was elected at the last election. The next is Nescopeck Township, east district, John G. Myers, \$6 for poll men. The next is Nescopeck Township, west district, Henry Hartzell, \$6 for poll men. The next is Nesopeck Borough, west district or first district, Howard Swank, \$10 for poll men. The next is the southeast district of Sugar Loaf Township, \$6, Stephen Yost, poll men—Sugar Loaf Township, \$6. The next is \$10 to S. H. Harter for poll men, Adam Rough, \$6, poll men, third district Nesopeck Borough; north district, W. W. Roth, \$5, poll men. Sugar Loaf Township, east district, Art Hines, poll men. The next is Sugar Notch Borough, second district, William Davis, \$10.

Q. What does he do?—A. I think that he is a conductor on the railroad. The next is Sugar North Borough, middle district, Reese Lewis, \$10, poll men.

Q. What does he do?—A. I don't know the man at all; I mailed him a check. The next is the west district, David Williams, \$10, poll men.

Q. What does he do?—A. I don't know; poll man. The next is Wright Township, Adam Kniss, \$6, for poll men. The next is Warrior Run, Harry Tugbay, \$10.

Q. What is the next?—A. White Haven, C. E. Adams, north ward. White Haven, \$10 for poll men. The next is the south district of White Haven, \$10, George Kocher, for poll men.

Q. You have a list there of the moneys and the names of the men you paid individually in addition to those that you have read off here?—A. Yes.

Q. Let me see it.—A. (Hands counsel paper.) Yes; that altogether amounts to \$260.

Q. The balance you paid in cash?—A. Here are the other checks drawn to me—one for \$34 and the other for \$100—and I have got here the names of those I paid as near as I can remember.

Q. You have here "paid to F. McKeown, \$30." He was a candidate?—A. Yes.

Q. He was a candidate of the committee you were chairman of?—A. Yes.

Q. William Morris, \$10.—A. Yes, sir; he is in Laurel Run Borough.

Q. What does he do?—A. He is a powder worker.

Q. What does he do in the powder works?—A. I don't know; I think that he runs a machine. Excuse me, \$5 of that I gave him to take over the mountain to James Byars, committeeman of the second district, and \$5 he was to use to hire a man in the first district, where he was committeeman. I don't know if he hired him or not.

Q. Who is J. Heroth?—A. First district, Laurel Run Borough. That is this side of the mountain.

Q. T. Davis, where does he live?—A. In the first district of Laurel Run Borough, this side of the mountain.

Q. William Gardner?—A. North district, Wilkes-Barre Township.

Q. What does Gardner do?—A. I think he is a driver boss in the mines.

Q. P. Quinn?—A. P. Quinn is a committeeman in the first district.

Q. H. Morgan, \$5?—A. For poll men in the south district of Wilkes-Barre Township.

Q. W. Smith, is that "Billy Smith"?—A. Yes.

Q. You gave him \$10?—A. Yes, sir.

Q. In what district?—A. In the south district. Any place he could use it in the township, but he belongs in the south district.

Q. But you gave it to him to use any place in the township?—A. I gave it to him to work for the Republican ticket or to get somebody to work for the Republican ticket.

Q. J. Murphy; where is he from?—A. He reported off work. He was to be on the election board, and reported off work; but they revoked the appointment in court the day before election, and the fellow reported off work, and I gave him \$5 the night before election in order to pay him on account of being off. I don't know whether he went to the polls or not to work. I gave him that money for the time that he lost.

Q. You paid him the night before election?—A. Yes, sir.

Q. And he was to be on the election board?—A. No; his appointment was revoked.

Q. Was he a member of the election board?—A. He was appointed a few days previous.

Q. A member of the election board?—A. Yes.

Q. What was he?—A. He was appointed instead of Brennan.

Q. A few days before election he was appointed by the court?—A. Yes.

Q. In place of a man named Brennan, whose seat was vacant?—A. Yes.

Q. You say that man reported off?—A. Yes.

Q. And he came to you the night before election?—A. No; I went to his house.

Q. What did you go to his house for?—A. I went to see if he had reported off and as he had the ballots at his house—the ballots were sent to him by the county commissioners.

Q. What did you give him the \$5 for?—A. For losing his day.

Q. What does he do?—A. He works in the mines.

Q. Do you mean to say that is what he would earn in the mines?—A. No; about \$2.50.

Q. And you gave him \$5?—A. Yes; I would be ashamed to offer him anything less.

Q. Where does F. R. Davis live?—A. In the first middle district.

Q. Why did you want to find out whether J. Murphy had reported off or not? Why did you go to him?—A. He was appointed a few days previous to that on the election board, and Shannon served notice on us that he was going to ask the court to revoke the appointment; that he didn't belong to the same political faith as Brennan, the man whose place he was to take, and he had 't done, and they revoked the appointment on Monday. That day—that was Monday—the ballots were sent to him—to Murphy—and I went to Murphy to tell him to give the ballots up to the man that they had appointed so there would be no trouble.

Q. What affair was it of yours? A. I was in the county commissioners' office.

Q. Was it part of your business in the commissioners' office to do that?—A. To do what?

Q. To notify him to give the ballots up.—A. No; I notified him as a friend. I didn't want him to get in any trouble about it.

Q. Then you went as a friend to tell him to give it up?—A. Yes, sir.

Q. And as a friend you gave him the \$5?—A. Yes.

Q. For his contemplated loss of the next day's work. Whether he lost that or not you don't know?—A. Yes; but I would expect him to be at the polls; he didn't work.

Q. Do you know whether or not he was at the polls?—A. He was not there all the time, because I saw him in our district.

Q. Do you know whether he was at the polls or not?—A. I don't know; I wasn't over there that day.

Q. E. Hanlon, \$10. Who is he?—A. He is in the first middle district.

Q. A Democrat, isn't he?—A. No, sir; he is not.

Q. You gave him \$10, did you?—A. Yes.

Q. What for?—A. To work at the polls and to get somebody else, if he wanted to.

Q. You gave him \$10 to work at the polls if he wanted to, and he could get somebody else to work with him; is that what you told him?—A. No; I said, "Here is \$10 for you to work at the polls."

Q. That is what you told him; anything else?—A. No, sir.

Q. How many men had you paid at that time to work at the polls? You paid 40 or 50?—A. No; the first middle. Then there was Davis; he—

Q. Was that your own district?—A. Yes.

Q. Are these the only two men that you paid at the polls there, either by your own check or moneys given to you as chairman?—A. I will have to look at the list. There is another man, John Smith.

Q. You gave him \$4. Why was he so much cheaper than Hanlon?—A. I don't know, but I think for the reason that he isn't as good a man as Hanlon; he is not in the same class.

Q. In what respect?—A. In any respect.

Q. In what respect?—A. Because he is Polish. He don't know the game as good. He is not able to fight as good, if he has to.

Q. And what other reason?—A. He don't know as many people, he can't handle as many men.

Q. Then you paid Hanlon \$10, and Smith only \$4, because Hanlon is onto the game and because he can fight?—A. Because he is a better man.

Q. Because he can fight and because he knows more people; that was the reason?—A. Because he is a better man.

Q. That sums up your compliment of a better man, does it?—A. Yes; I guess it does.

Q. Who is P. Ward?—A. He is a motorman.

Q. On the cars?—A. Yes.

Q. What did you give him that for?—A. For working at the polls.

Q. Did he work at the polls?—A. He worked on the car until the afternoon and came there in the afternoon.

Q. Did he work at the polls?—A. He was around there.

Q. What time in the afternoon did he come to the polls?—A. Three or four o'clock. There wasn't anything doing.

Q. A couple of hours before the polls closed, wasn't it?—A. Well, 3 or 4 o'clock.

Q. What district is he in?—A. Our district.

Q. D. M. Bambriek?—A. He was there that day.

Q. What district is that?—A. The first district.

Q. You gave him \$4?—A. Yes.

Q. How did you come to cut him down?—A. That is all I could spare.

Q. He was there all day?—A. I didn't hire him to go there. He came there without me.

Q. Who hired him?—A. I don't know.

Q. But you paid him?—A. I gave him \$4.

Q. What did you give him \$4 for?—A. He agreed to work for the Republican ticket, except that he wouldn't work against McLean.

Q. He was for the rest of the Republican ticket?—A. Yes.

Q. Is that why you cut him down?—A. No, sir; that wasn't why I cut him down.

Q. Well, why did you cut him down? You gave another man that only worked there a few hours more than you gave this man. Why was that?—A. As a rule I always—

Q. I am not asking you the general proposition. I am asking you about those two concrete causes?—A. I thought he was not as good as the other man.

Q. The trouble is you were going to get him as cheap as you could and you could get him for \$4, and you took him, isn't that so?—A. No; I didn't ask him his price.

Q. R. Pugh, who is he?—A. He is in the second middle district.

Q. You had quite a number of poll men at your district?—A. I needed them.

Q. Whenever you wanted to get a man, this is the way you got him, as a poll man, did you?—A. No; them fellows would be our way anyway; outside of Bambriick.

Q. They would be your way anyhow, so giving them this money was simply a waste?—A. They wouldn't stay all day unless I paid them; I wouldn't expect them to.

Q. Who is this E. Davis?—A. I think he is a mining boss for the Red Ash Coal Co.

Q. You paid him?—A. I gave him \$5. He didn't want to take it.

Q. But he took it?—A. I suppose he gave it to somebody else.

Q. But you know that he took it?—A. Yes; he took it; but he wasn't at the polls until late in the day.

Q. How many were employed by you in your district, and how many were employed in the south district? Let me see the other \$63. Let me see that \$63.—A. This foots up to \$123.

Q. That makes 167. How many of these did you have?—A. In our district, besides myself, we had five.

Q. There were six of you?—A. Yes, sir.

Q. What did you do with this \$34 you drew out?—A. That is included in this. That foots up to \$123 altogether. You see it marked out on the book.

Q. But you got \$400. There is \$260 here, and the \$123?—A. That is \$383.

Q. Now, there is \$17 left, what did you do with that?—A. I must have spent that myself; I can't remember anything about that.

Q. You got the balance yourself, didn't you?—A. I thought that I had accounted for all of it, but \$11. Yes; that is \$17. I spent that, I guess.

Q. You think you got away with that yourself?—A. Yes, sir; I had a balance of \$6 after the election was over, in the bank.

Q. You think you got away with that yourself, do you. James?—A. Yes; I guess so.

Q. Do you know William Pritchard of Hanover?—A. No.

Q. Do you know Samuel Griffiths of Ashley?—A. Yes.

I paid \$30 to P. McKeown, and \$30 to the committee.

Q. That is \$20 to a ward?—A. Yes.

Q. That was about as many as were needed there?—A. I thought so.

Q. You are about as familiar with that district as any man in the county, are you not?—A. I wouldn't say that.

Q. Ashley and the surrounding part of that district?—A. I am as familiar with it as any man that don't live there.

Q. You are more familiar with that than Jonathan R. Davis, who lives over in Kingston?—A. I don't know the extent of Jonathan R. Davis's knowledge in that section. I think I know as much about it as he does.

Q. I only wanted your opinion?—A. You know as much about it as I do.

Q. Richard Pritchard, do you know him?—A. No.

Q. You manned the polls at Sugar Notch? You turned in a sum of money for there?—A. Yes; \$30.

Q. For two of the three wards?—A. Three.

Q. That was enough for poll men, wasn't it?—A. That was enough for the committeeman. If there was anything about it, I don't know anything about it.

Q. Do you know Enoch Thomas?—A. Yes; I know him.

Q. Did he get anything from you?—A. No.

Q. What does Enoch do?—A. I think he is a squire.

Q. You didn't give him anything?—A. No; but I think Jonathan gave him \$5. I think I heard that when Jonathan was testifying.

Q. Do you know Daniel Davis?—A. No, sir.

Q. Or Frank Monahan, he is in Ashley?—A. I have seen him.

- Q. Do you know him?—A. I saw him twice. He is assessor in the first ward.
 Q. Do you know Frank Shapona, of Wilkes-Barre Township?—A. Yes.
 Q. Does he live near you?—A. No; he is the second district of our township.
 Q. In the second district of your township?—A. Yes, sir.
 Q. Let me see your bank book, will you?—A. Yes.

(Witness hands books to counsel.)

- Q. Did you get any money besides that to use in that contest?—A. No, sir.
 Q. Not a cent?—A. No, sir.
 Q. Not a cent besides what you have read off here?—A. No.
 Q. You are positive of that, are you?—A. Yes.
 Q. No man gave you any money other than that \$400?—A. No.
 Q. As you testified as having received as chairman?—A. No.
 Q. Did you pay any other money out?—A. Not that I remember. I may have paid some, but I can't remember it.
 Q. How much did you put in the north district?—A. \$10.
 Q. To whom did you give that?—A. To Gardner.
 Q. You gave \$10 to Gardner?—A. Yes.
 Q. That was money that you received from Jonathan Davis, this \$400?—
 A. Yes.

Q. I suppose before he paid it to you he asked you how much you would need for poll men there, didn't he?—A. He did.

Q. And you told him \$400?—A. No; I told him that I should have \$400 for a district.

Q. How many districts have you there?—A. Forty-four.

Q. Of course, there are some few districts there there is not a cent needed in?—A. Some districts I didn't put it in. That is what I said. He gave me \$400 altogether, and he said, "Are you satisfied now?" and I said I will have to be with it.

Q. And that, as you contemplated, was enough to man the polls in the district?—A. Yes.

Q. Did Jonathan Davis communicate to you afterwards that he wanted to put more money in that district?—A. No; I didn't see him after that. I didn't see him at all.

Q. You were the manager of the Republican Party in that district as chairman?—A. I thought I was.

Q. That was your vocation?—A. That was my duty.

Q. And he never consulted you about putting in any more money at no time?—A. No, sir.

Q. He never came and asked you if it was necessary in order to get more poll men?—A. No.

Cross-examination by Mr. JONES:

Q. Had you been district chairman before in that district?—A. I was treasurer last year in that district.

Q. You have detailed here a number of checks which you sent out. They were sent out, as I understand, in all instances to committeemen?—A. Yes.

Q. The committeemen are appointed or elected?—A. Appointed by the chairman.

Q. By the county chairman?—A. No; the district chairman.

Q. The legislative candidate appoints his chairman, and he and the legislative candidate get together and agree on the committeemen in that legislative district?—A. Yes.

Q. The legislative candidate and the chairman, he in that district names the committeeman?—A. Yes.

Q. And these sums of money that you sent out by check were to the committeemen named by you and the legislative candidate for the Republican Party in that district?—A. Yes.

Q. Nescopeck Township, Black Creek Township, Nescopeck Borough, these are great distances from your home?—A. Yes, sir.

Q. And from Wilkes-Barre city?—A. Yes, sir.

Q. And Wilkes-Barre Township, where you live, immediately adjoins Wilkes-Barre city?—A. Yes.

Q. And a great many of these outstanding districts where you sent money were at least 25 miles from your home?—A. Some more than that. Black Creek, I guess, is more than that; and Sugar Loaf Township must be more than 25 miles from there.

Q. And all the moneys that you paid out were for the purpose of employing poll men and watchers at the polls to man the polls and get the vote out on election day?—A. Yes.

(Hearing adjourned until 11 a. m., Friday, March 3, 1911.)

FRIDAY, MARCH 3, 1911.

Hearing resumed at 11 a. m. pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq.; John E. Jenkins, Esq.; A. C. Campbell, Esq., counsel for contestant; Arthur L. Turner, Esq., contestant's commissioner. C. C. Bowman, contestee, in person; Evan C. Jones, Esq., counsel for contestee.

JOHN KARBOSKY, recalled for further examination by contestant.

Examined by Mr. LENAHAN:

Q. I see, in looking over your testimony, that you gave a man by the name of Yohe some money?—A. Yes, sir.

Q. How much?—A. \$5.

Q. What is his business?—A. I don't know his business.

Q. What is he?—A. I think that he is a miner.

Q. What else does he do?—A. I understand that he is constable of the ninth ward.

Q. You know he is, don't you? Why are you dodging this way?—A. Yes; I know it; but I didn't know it until this morning.

Q. Don't you know that it is his business as a constable to be present at the polls to preserve the peace and order; you know that, don't you?—A. Yes.

Q. And notwithstanding all that, you gave this man, whose duty it is to preserve the peace and order at the polls, you gave this man money to stand at the polls in the interest of Mr. Bowman?—A. In the interest of the party.

Q. In the interest of the Republican Party?—A. Yes, sir.

Q. You gave John Clark how much?—A. \$15.

Q. You gave John Clark \$15?—A. Yes.

Q. In the interest of the Republican Party?—A. Yes.

Q. He is a mine foreman, isn't he, for the Mocanagua Coal Co. or the West End Coal Co.?—A. I understand so.

Q. You know that he is, don't you?—A. Yes.

Q. Who told you to give him the money?—A. Mr. Stavinsky suggested it, I think.

Q. Where did you find him; in Mocanagua?—A. Yes.

Q. Stavinsky lives in Mocanagua?—A. Yes.

Q. He is a hotel man?—A. Yes.

Q. A Poleander?—A. Yes.

Q. And he told you to give this mine foreman, Clark, \$15?—A. He suggested it to me, and I saw Mr. Clark down there.

Q. He suggested that you go and see Clark, is that right, and then you went to see him? Where did you see him?—A. I saw him on the street; I think it was near his house; I was with Mr. Bowman.

Q. Mr. Bowman was with you?—A. Yes, sir.

Q. Then, you and Mr. Bowman went to see Stavinsky?—A. Mr. Bowman didn't.

Q. Where did you meet Mr. Bowman?—A. We went down in the automobile to Nanticoke.

Q. You went from Nanticoke to Mocanagua, didn't you?—A. Yes.

Q. When you got to Mocanagua where did you go?—A. I went to Stavinsky's and saw him.

Q. Where was Bowman when you went there?—A. He went somewhere; I think he went to Mr. Clark's house.

Q. In other words, you went to Stavinsky's place and Mr. Bowman went on in his automobile to Clark's house, did he not?—A. Somewhere there; I am not sure.

Q. When you left Stavinsky's did you walk over to Clark's house?—A. No; I met Mr. Clark on the street.

Q. Were you standing on the street? You know you didn't know Clark.—A. Mr. Bowman was talking to Mr. Clark, and I was introduced to him.

Q. As I understand it, you came up to Mr. Bowman and Mr. Clark and they were talking, after you left Mr. Stavinski's place?—A. Yes, sir.

Q. And then Mr. Bowman introduced you to Clark?—A. Yes, sir; if I remember right.

Q. You and Mr. Bowman were with him how long?—A. Not very long—a few minutes—5 or 10 minutes.

Q. Evidently Bowman knew him, didn't he?—A. Yes, sir; I think he did.

Q. Was it there that you gave him the \$15—at that time?—A. No, sir.

Q. How long after that?—A. I sent him that a week or two afterwards.

Q. Did you talk to him how much he would want there, at that time, when you wanted him with Mr. Bowman?—A. No, sir; I did not.

Q. How did you know how much to give him?—A. I sent him \$10 first and asked him to take care of our interests, and I asked him if he would employ watchers for our party.

Q. You asked him in the presence of Mr. Bowman whether he would employ watchers?—A. I don't remember whether it was in Mr. Bowman's presence or not.

Q. You say that Bowman was there all the time that you were there?—A. He was there; but, then, I walked back with Clark, and I asked him if he would employ watchers for me.

Q. Now, let us get this straight. You and Mr. Bowman were talking to Clark after Bowman introduced you to him?—A. Yes, sir.

Q. And after talking 5 or 10 minutes you and Bowman walked away from him?—A. Yes, sir.

Q. And then you went back?—A. I don't remember whether I went back or asked him right there and then; I don't remember.

Q. But that is what I am asking you.—A. I don't recall that, indeed.

Q. It was in the presence of Mr. Bowman that you spoke to him about giving him the money, wasn't it?—A. I can't recall that.

Q. Now, please and try to remember that. It is a little important.—A. Yes; I know.

Q. You were introduced to Mr. Bowman—you were introduced to this man by Mr. Bowman, and you talked about election, didn't you?—A. Yes.

Q. And then you and Bowman went away, you say?—A. Yes; we went to the automobile to go back.

Q. Did you get right in the automobile?—A. No; it was a distance away; a little distance.

Q. You walked up to the automobile and got in it?—A. Yes, sir.

Q. You know very well you didn't go back to him?—A. I did go back a little distance to him, but I can't remember exactly.

Q. What did you say to him?—A. I spoke to him about getting watchers for us. I can't say if that was in the presence of Mr. Bowman or not; I am not sure.

Q. Now, you went to see Mr. Clark for the purpose of soliciting his influence, didn't you?—A. No; I didn't.

Q. What did you go down to see him for?—A. I went down there to see Stavinski.

Q. You saw Stavinski, and he told you to go and see Clark?—A. Yes.

Q. Then you say you started from Stavinski's place to see Clark?—A. Yes.

Q. You didn't go to see him on anything but a political mission?—A. Certainly.

Q. And you didn't go for any purpose but to seek his influence?—A. Yes.

Q. You talked the matter over when you met him, because you and Bowman were talking politics when you came down, and he and Bowman were talking politics when you came along, and you talked with him about securing watchers?—A. Yes.

Q. There with Bowman?—A. Yes, sir; I think so.

Q. Is that right?—A. I am not sure whether Bowman was there or not.

Q. And then, of course, you talked about what it would cost to secure watchers, didn't you?—A. No; I didn't talk about the cost to him.

Q. Didn't you talk about the cost at all?—A. No.

Q. When did you talk to him about the cost?—A. If I recollect right, I didn't talk to him about the cost at all. I sent him \$10, because I wanted him to get two watchers for us down there.

Q. Then one of your purposes when you saw him with Mr. Bowman was to meet him?—A. Yes.

Q. And one of your purposes was to procure through him men to stand at the polls, through this mine boss? Is that right? And you went to the mine boss because Stavinski told you he was the man of big influence there?—A. I didn't know that he was a mine boss then. I didn't know that until this morning.

Q. But Mr. Bowman knew that he was a mine boss?—A. I don't know; he didn't tell me.

Q. You know he did.—A. He didn't say anything to me about it.

Q. Then, how did you come to send the other \$5 to him?—A. I sent \$5 to him to hand to a certain man whose name was handed to me. I gave him that to employ a watcher for me.

Q. When was that name given to you?—A. A week or so before election.

Q. Was that voter sent to him?—A. Yes.

Q. Why didn't you send the money direct to the man?—A. I didn't know his address. I didn't know the man.

Q. You knew there was only one address down in Mocanaqua?—A. I know; I don't know why I did it; but I sent the money to Mr. Clark because he had hired the other two.

Q. Is that the only reason—because he had hired the other two?—A. Yes.

Q. You said a moment ago you didn't know his address. That is not the truth; you wanted that money to be paid to that man through Mr. Clark. Isn't that so?—A. Yes.

Q. Mr. Karboski, where did you meet Jonathan R. Davis with reference to the amount of money that would be required for your legislative district?—A. I think at his office.

Q. At his office?—A. Yes.

Q. You fixed the amount of money that it would require for that district didn't you?—A. No, sir.

Q. Didn't you tell him how much you would need?—A. No, sir.

Q. Did he ask you how much you would need?—A. No, sir.

Q. Didn't you talk about the amount at all?—A. No sir; not to me.

Q. He didn't talk to you at all about the amount?—A. No.

Q. Tell me what happened between you. There must have been something said whereby he was to pay you that money.—A. All that happened was that he said there was 44 election districts in my district.

Q. In your legislative district?—A. Yes; and he said he gave me \$500.

Q. He said what?—A. He said, "I will give you \$500."

Q. For the 44 election districts?—A. For the poll men.

Q. In other words, that \$500 was to be sufficient to man the polls, was it?—A. Yes.

Q. You have heard Mr. Davis testify here, have you not, about having given money to a large number of people, in addition to what he gave you?—A. Yes.

Q. Did you know anything about that money that he had paid to those people?—A. No.

Q. You never heard anything about it until you heard it here in the hearing?—A. No, sir. I would like to make a correction. Can I?

Q. Yes.—A. Ten watchers that I swore yesterday that I paid—that was paid by Mr. Williams, the secretary. He called my attention to it when he saw the names in the paper, and he came and told me that he had paid those men.

Q. Let us see: Do you mean that he paid these men out of his own pocket?—A. No; I gave him \$150.

Q. You gave him the money?—A. Yes.

Q. And instead of your paying it, as you swore to, from that book, he called your attention to those names, and he said that he paid those men. From the talk you had with Mr. Williams since you delivered your testimony, you ascertained that he had paid those 10 men, and not you?—A. Yes, sir.

Q. Each of those 10 names whose names you mentioned as having paid?—A. Yes.

Q. You claimed credit yesterday, you know, in your testimony for the \$150 you paid to Mr. Williams, didn't you?—A. Yes.

Q. And you paid that to Williams, did you?—A. Yes, sir.

Q. Now, if Mr. Williams paid out that \$150—if he paid that \$150 or \$50 to these men, and you said in your testimony that you gave it, and even with the statement that you paid Mr. Williams \$150, there was still \$21 unaccounted for, wasn't there?—A. Yes.

Q. And with the \$50, that you testified to here that you had paid to these men, deducted as being the money that Mr. Williams had paid out of that \$150, you are \$50, in addition to the \$21, unaccounted for?—A. Yes.

Q. That is \$71?—A. Yes.

Q. What did you do with that?—A. I thought of some that I paid that I didn't think of yesterday.

Q. Who are they?—A. Emil Carnoski in the fourth ward of Nanticoke and Otto Stroski in the fourth ward of Nanticoke.

Q. How much?—A. \$5 each, and Frank Minatchik \$5, in the eighth ward; Anthony Yanosky, \$5 in the tenth ward; Anthony Varacumski, \$5. I think he was in the sixth ward. That is all I can think of.

Q. What about the rest?—A. The rest I can't account for, unless I spent some money myself going around.

Q. You spent it how?—A. Expenses for street car and so on.

Q. Setting them up?—A. Yes; I think I did some of that.

B. F. MAXEY, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

Q. Mr. Maxey, you are a druggist in the city of Wilkes-Barre here?—A. Yes, sir.

Q. You have been for how many years?—A. More than 10 years.

Q. You were chairman of the seventh legislative district of the Republican committee, were you not?—A. Yes.

Q. And you are now?—A. Yes.

Q. And were in the election of 1910?—A. Yes.

Q. The seventh legislative district comprises the city of Wilkes-Barre?—A. That is correct.

Q. Do you know John Price, the mine inspector?—A. I have a slight acquaintance with him. Located in the Bennet Building. Is that the Price? I met him on two occasions and was introduced to him.

Mr. JONES. You got the wrong Price, Mr. Lenahan—Thomas Price.

Q. Did you ever meet him but on two occasions?—A. No, sir.

Q. When were those occasions? How long before election?—A. I never met him at any particular time before election. It may have been six months. I think that he was in the store one evening with some friend, and I was introduced to him.

Q. Did you have any talk to him about politics?—A. No, sir; never did.

Q. At no time?—A. No, sir.

Q. Do you know Alph. Williams, in Plymouth?—A. Yes; Alfred E. Williams.

Q. How long have you known him?—A. Great many years.

Q. You were down to his place on several occasions, in Plymouth, before election, weren't you?—A. No, sir.

Q. At no time? I mean at the post office.—A. Yes, sir; his office. Mr. Williams is a relative of mine. He is married to my cousin.

Q. I don't care about that. You were down to see him several times before election were you not?—A. I was down once.

Q. How long before election?—A. May have been three or four weeks before the election.

Q. Three or four weeks before election?—A. Yes.

Q. Did you see him at any time—how long before election did you last go to see him?—A. It may have been a month before election.

Q. What day of the week was it?—A. I don't know.

Q. Were you down to see him on politics?—A. No.

Q. Did you talk politics with him?—A. No, sir.

Q. None whatever?—A. No, sir.

Q. What was your mission there?—A. Just a personal visit.

Q. Why didn't you call at his house if it was a personal visit?—A. I know where his place of business is. There is no particular reason why I should go there—go to his home—Mrs. Williams is dead.

Q. Did you go down there on a social call, Mr. Maxey?—A. Yes, sir.

Q. And for no other reason?—A. For no other reason.

Q. Was it on a week day?—A. Yes.

Q. What took place between you and him when you called?—A. Nothing took place.

Q. What was said between you?—A. Nothing in regard to politics.

- Q. I didn't ask that?—A. I don't recollect that.
- Q. You can't tell us?—A. No.
- Q. And you swear now that there was nothing said between you about politics?—A. I do.
- Q. Did you take any money down to him?—A. No.
- Q. He is the postmaster down there, isn't he?—A. Yes.
- Q. Isn't it a fact that within three or four weeks before election you were there at his post office with him not less than four times?—A. It is not.
- Q. That is not true?—A. It is not.
- Q. Where do you do your business; what bank?—A. At the Wyoming Valley Trust Co.
- Q. You do business at the Second National Bank?—A. No.
- Q. You do not?—A. I do at the Heights Deposit Bank.
- Q. Did you present at the Second National Bank a check the day you went down to see Williams, and did you get this check cashed?—A. No, sir.
- Q. You didn't—that day you went down to see Williams at his home or his store or at his post office—you didn't take a car just after leaving the Second National Bank?—A. No, sir; I haven't been in the Second National Bank in a long time. I have a cousin working in that bank—Frank Reynolds—and once in a while I go in to see him.
- Q. I am not asking you that.—A. I have answered your question; no.
- Q. I am not asking you about your cousins, your sisters, or aunts.—A. I have no sisters.
- Q. You didn't get any money through the Second National Bank within two months previous to election?—A. No, sir.
- Q. How much money did you receive from Jonathan R. Davis?—A. \$500.
- Q. What did you do with the money immediately when you got it?—A. I got it a day or two before election.
- Q. How did you get it?—A. I got the check cashed at the Wilkes-Barre Deposit Bank.
- Q. Did you get a check for the \$500?—A. Yes, sir.
- Q. Did you draw the money out and put the cash in your pocket?—A. Yes, sir; I got it in \$5 bills.
- Q. Did you redeposit it?—A. No, sir.
- Q. Tell us to whom you paid that money. In the first place, did Jonathan R. Davis ask you how much money it would take for Wilkes-Barre—the seventh legislative district, of which you were chairman?—A. No, sir; he did not.
- Q. Did you tell him how much it would take?—A. Yes.
- Q. How much?—A. I told him we would need—there are 46 voting districts, and two men at each district would be 92 men—and I told him that I wanted \$500.
- Q. And he gave you \$500?—A. Yes, sir.
- Q. Will you please tell us to whom you paid that money?—A. I don't know to whom I paid all of it.
- Q. Give us, as near as you can, to whom you paid it.—A. I don't recollect all the names.
- Q. I am not asking you to give them all.—A. I had a list with a receipt.
- Q. I am not asking that. Give us the names of the men to whom you paid it, and the amounts?—A. I paid \$5 to each man.
- Q. Give us the names of the men to whom you paid it. You understand my question?—A. Well, I gave \$5 to George Walker.
- Q. That is in the fifth ward, isn't it?—A. Yes, sir.
- Q. That is the ward that you have your place of business in?—A. Yes.
- Q. Go on.—A. I gave \$5 to Eddie Mills, the constable.
- Q. What ward?—A. The eighth ward; and \$5 to M. M. Heistand.
- Q. That is in the fifth ward, too, isn't it?—A. Yes; also Dan Thomas, on the hill.
- Q. What ward?—A. I think it is the third ward.
- Q. What does he do?—A. I believe he is connected with some office in the courthouse.
- Q. You know that he is a clerk in the courthouse and paid so much a month by the county; don't you know that?—A. I think so.
- Q. He has been in the employ of the county for a long time, hasn't he?—A. I think he is one of them.
- Q. How much did you give him?—A. \$5.
- Q. For a man drawing \$100 a month from the people. Give us the next.—A. I don't recall these committeemen, and I have lost the list.

Q. Is that the best that you can give of the \$500 that you spent in Wilkes-Barre?—A. I have lost the list containing the names of these committeemen.

Q. Is that the best that you can give—the names of 4 or 5 men in the whole city?—A. Just at the present time.

Q. Although you got the money to pay 92 men, you say, out of that number of men you claimed that you paid, you can only give the names of 3 or 4?—A. Approximately, that is all.

Q. I am asking you approximately; nothing else?—A. Well, there is another one, I think—Nathaniel Jones, up in the first ward, or somewhere.

Q. Do you mean somewhere in the United States when you say that?—A. No; you know what I mean, in the city.

Q. No; I don't know what you mean.—A. Somewhere in the city.

Q. You gave Nathaniel Jones \$5?—A. Yes, sir.

Q. You can't recall any more?—A. Not from memory.

Q. You don't know what ward Nathaniel lives in?—A. I think when I have the list that I can give it better.

Q. You don't know the ward he belongs to?—A. I think it is the first ward.

Q. What is that man's business, do you know?—A. No.

Q. You have been here listening to these hearings right along, have you not?—A. Not very many.

Q. You have been here at least three days?—A. No.

Q. You have not been here three days?—A. I was here on two different occasions for a short time, for an hour or an hour and a half. I was here the day that Mr. Davis was on the stand.

Q. You heard them testifying here?—A. Yes.

Q. Give us some more names of the men that you paid?—A. I can't recall them.

Q. You know Joe Jones, up in the first ward?—A. Joseph Jones?

Q. Joseph Jones, one of the mine bosses for the Lehigh Valley Coal Co.?—A. I have heard of him.

Q. What relation is this man that you gave the \$5 to, to him, Nathaniel Jones?—A. I don't know that he is any relation.

Q. You don't even know where he lived?—A. No.

Q. Have you a list of the men to whom you gave this money?—A. I don't know.

Q. When did you see it last?—A. I saw it election time or about that time.

Q. Before or after election?—A. After election.

Q. How long after election?—A. A day or two.

Q. Where did you see it?—A. At that time in my pocket.

Q. How did you get it out of your pocket?—A. I don't know what became of it.

Q. Have you made any search for it?—A. Yes.

Q. Where did you search?—A. I searched in my desk.

Q. Where else?—A. That is the only place.

Q. You have lived in this city for 10 years, and you are well acquainted in this city, are you not?—A. Yes.

Q. You have a large circle of acquaintances in the city, have you not?—A. I think so.

Q. And you can't give now, out of that 92 men whom you claim you gave money to—all you can give now is the names of 5 men, is that right?—A. That is right.

Q. You swear to that?—A. You see these committeemen that are—

Q. You testify to that now under the solemnity of your oath, do you?—A. Yes.

Q. What ward do you live in?—A. I live in the ninth ward.

Q. To whom did you give money in that ward. Oh, you remember your own ward, certainly. To whom did you give it to in that ward?—A. I couldn't say positively.

Q. Do you know one Hiram Smith?—A. Yes.

Q. He is a mine foreman?—A. Yes.

Q. You know him, do you?—A. Yes, sir.

Q. Did you give him any money?—A. I think he received \$5.

Q. He is the mine foreman or a mine superintendent for the Lehigh Valley Coal Co.?—A. Yes.

Q. And he lives in the first ward?—A. Yes.

Q. Who brought that Jones to you, Nathaniel Jones?—A. Why, nobody brought him to me.

Q. Did you go to him?—A. No, sir.

Q. How did you come in contact with him?—A. He was selected by the representative candidates, Mr. Shadrach and Mr. Watts, as committeeman. These committeemen were all selected by the three of us, and a great many of them I didn't know. We had a preliminary meeting before the election to talk over the situation in general, and it was arranged that the night before election I would pay these committeemen and watchers \$5 apiece, and they came to me in a room in headquarters that we had and I simply paid out the \$5 and I had a list and they signed a receipt for it.

Q. Where are the receipts?—A. That was the list. Their names were signed on this paper. I had at the head, "We the undersigned received from B. F. Maxey," etc.

Q. What was your reason for taking it?—A. No particular reason, just to show Mr. Davis, if he wanted to know where the money was spent so I could show it to him.

Q. Did you show it to him?—A. No.

Q. Notwithstanding the fact you took receipts for the purpose of protecting yourself you never saw these receipts since a couple of days after the election?—A. No, sir; that is correct.

Q. You haven't answered my question yet. How do you know that was Nathaniel Jones?—A. I wouldn't know.

Q. You would not know him?—A. No.

Q. Then you gave \$5 to a man you didn't know, is that right, who came to you and said that his name was Nathaniel Jones, and without knowing whether he was or not, you paid him the money?—A. There were other people in the room who knew Jones.

Q. Tell us who they were?—A. Shadrach and Watts.

Q. They knew who he was, and they know now?—A. Yes; I think that I know Jones by sight, but I am not positive.

Q. What kind of a looking man is he?—A. He is quite young, possibly about 30 years of age, of medium height, smooth face, and I think he lives on North Main Street, some place.

Q. Did you ever ask who he was?—A. No.

Q. Did you ask who his connections were?—A. No.

Q. You made no inquiry about him at all?—A. No.

Q. Do you know a man by the name of Thomas J. Murphy?—A. Where does he live?

Q. 490 North Main Street, in the first ward?—A. I don't.

Q. Do you know Peter Saba?—A. No, sir.

Q. You don't know him either? You know I understood you to say that you know Joseph Jones, a foreman for the Lehigh Valley Coal Co., or knew about him.—A. No; you didn't understand me that way. I said that I knew him, but I didn't know him personally.

Q. You knew of him?—A. I knew there was such a man.

Q. You knew that he was the foreman for the Lehigh Valley Coal Co.?—A. I understood so.

Q. I will show you directly. Now, I want to get this straight from you. You didn't know and you don't know now Nathaniel Jones, to whom you paid that \$5, was a son of Joseph Jones?—A. No, sir.

Q. Look at this city directory and tell me what the city directory says that Joseph Jones's residence is, and what his business is. [Witness examined book.] A. "Joseph J. Jones?" There are five or six Josephs here.

Q. In the first ward?—A. "Joseph J. Jones, 388 North River Street."

Q. Now, look at Nathaniel Jones.—A. Nathaniel Jones, the same address.

Q. Nathaniel Jones what?—A. Apprentice, I suppose it is.

Q. Was it Nathaniel or Nathan that you paid the money to?—A. I think that it was Nathaniel.

Q. There are two there—Nathaniel and Nathan?—A. Yes.

Q. Read what Nathaniel is?—A. Here it is "appr." 388 North River Street.

Q. The same residence that Joseph Jones occupies?—A. Yes.

Q. Did you receive any money for the city registration in addition to the \$500?—A. No.

Q. Not a cent?—A. Not a cent.

Q. I am talking about prior to the election.—A. I know.

Q. In 1910 you received no money at all from anyone for city registration?—A. No.

Q. Have you given now every cent that you paid in 1910; that is, for politics?—A. Yes.

Q. All that you received in politics in 1910 was the \$500?—A. Yes; that is all.

Cross-examination by Mr. JONES:

Q. Had you ever been chairman of this legislative district before?—A. No.

Q. At the last election at which Mr. McLean and Mr. Bowman were candidates for Congress, there were to be elected from this legislative district, wherein you were chairman of the Republican Party, two candidates for the legislature?—A. Yes.

Q. Two members of the legislature?—A. Yes.

Q. The Republican candidates for this office, or for these offices were John Shadrach and Edward Watts?—A. Yes.

Q. You say that you and these two candidates met and named the committeemen, one for each of the 46 polling places in the city of Wilkes-Barre?—A. Yes, sir.

Q. And you say that the committeemen were largely named by the two candidates and were unknown to you?—Yes; it was their right and I told them that the position I was in was to take orders from them. Whoever they wanted to name as city committeemen they should say so and I would see them.

Q. And a day or two before the election you received this money from Mr. Davis, as county chairman, to be used for the Republican Party?—A. Yes.

Q. You say that the night before election you met in the Republican city headquarters?—A. Yes; in the Second National Bank Building—one of the rear offices.

Q. Were the Republican candidates for the legislature present?—A. Yes; and several other people.

Q. And at that time isn't it a fact that the various committees—I mean the various committeemen and the various men who were named by the legislative candidates as watchers for their respective districts—came to that office for their pay as watchers on the following day?—A. Yes, sir; that is correct.

Q. And the only money that you paid out was the \$5 to each of these men?—A. Yes.

Q. Of course, the greater proportion of these men you did not know?—A. I didn't know them at all.

Q. And as you paid each man the \$5 you took his receipt on the list?—A. Yes; they were properly identified by somebody present, if I didn't know them personally.

Q. And you took their receipts on this list that you say you have mislaid?—A. Yes; I had the list ruled off and had them sign their name.

Q. You had ruled off for the respective polling places at which they were to serve?—A. Yes.

Q. The population of the city of Wilkes-Barre is about 67,000?—A. Yes; it is the largest voting district in the county. The largest number of votes.

Mr. LENAHAN. The list has been conveniently mislaid or lost, hasn't it?

A. It must be that way; it is lost.

Mr. JONES. Do you mean that it has been conveniently mislaid; that you laid it aside purposely?

A. No, sir; not conveniently. It is the same as a lot of other papers I have. I didn't put it in my safe for safe-keeping.

Mr. LENAHAN. You got it for the purpose of protecting yourself?

A. For a week or so, if Mr. Davis asked me for an accounting of the money.

Q. You got it to keep a week or so?—A. Yes.

Q. Why didn't you keep it a week?—A. I suppose I did.

Q. You testified that you lost it a couple days afterwards?—A. I don't know that I had any occasion to look for it until this contest came up.

Q. You never looked for it until this contest came up, about two weeks ago, when you were subpoenaed in this case?—A. Yes.

Q. And then you say you discovered that it was lost?—A. Yes; to the best of my knowledge.

Q. Well, it couldn't have gotten away from you without your knowledge, could it?—A. It could have been mislaid.

Q. How could it have been mislaid? You are a business man, and you keep your receipts filed, don't you?—A. I do; yes, sir.

Q. But this receipt that you took especially to protect yourself against any imputation that might be made against you, you didn't take the same care of as you did of an ordinary receipt?—A. I burn my receipts after keeping them for a certain length of time.

Q. Do you burn your receipts after keeping them a couple of weeks?—A. Yes; if I pay by check I do.

Q. But if it is not paid by check, you don't, do you?—A. No; not necessarily.
(Hearing adjourned until 1.30 p. m.)

Hearing resumed at 1.30 p. m., pursuant to adjournment.

C. C. BOWMAN, contestee, recalled.

Examined by Mr. LEAHAN:

Q. Mr. Bowman, you know Phil Raub, don't you?—A. Yes.

Q. How long have you known him?—A. I have known him for 25 years.

Q. Where does he live; where is his residence?—A. Dallas, Pa.

Q. How far is that from your home?—A. Twenty miles.

Q. Twenty miles?—A. Twenty or 25 miles.

Q. He accompanied you through a section of his country in your campaign, didn't he?—A. Yes.

Q. For how many days?—A. One day—one in the primary and one in the general election.

Q. What saloons and hotels did you and he visit?—A. First, I went to Dallas with my automobile and waited for him some time. He did not come; he hadn't come from his house; and when he came there I said—he said, "I want to get a cigar; come over to the hotel," and we went in the main room.

Q. What hotel in Dallas?—A. Yes; he called the proprietor; he went to the right-hand side; you know the main room; you know it there; it enters right off the veranda; and he called the proprietor—the proprietor was in the back room—got his cigar, and introduced me to him. There was some men standing at the bar to the left of us. I want to speak of this, as it came up before.

Q. Tell just what happened.—A. He said to these men, "This is on me," and I said, "No; it is not on you; you are my guest," and I handed the money to him to pay for whatever they had. I don't know what it was. It is the next hotel; the first down there. I don't know what the place was. I don't know whether I went in there or not. I am not sure. I didn't go in the bar, nor did I go in any other bar of any other hotel, with the exception of that.

Q. Was that the only hotel that you went in with him?—A. Yes.

Q. What time did you leave Dallas?—A. That must have been 9 o'clock. I think.

Q. What time did you get back home?—A. We got back there for dinner. He didn't come with me for dinner. I went to the hotel for dinner. He went home and he came back; I invited him to. Then we went to the upper part of the district; we went to the lower part in the morning and to the upper part in the afternoon. That is my recollection of it.

Q. What time did you get back from the upper part?—A. I don't know. I couldn't recall it, John.

Q. Well, about what time?—A. That was long toward late in the afternoon.

Q. What hotels were you in in the upper part?—A. Not any.

Q. Who paid the expenses of that trip?—A. There was no expenses but my dinner, my man, the chauffeur, and myself.

Q. Who paid the expenses?—A. I did, for my dinner.

Q. You were down in Nanticoke to a meeting, were you not, at Tom Warne's saloon?—A. Is that the Englishman on the hill; is that his name?

Q. Yes; that is his name.—A. I went there with Jonathan R. Davis and took my dinner, but I never stood or talked at his bar, and I never took or paid for a drink there.

Q. Were you present in a conversation, wherein Asa K. De Witt, Bruce Good, Reuben Ellsworth, Jonathan R. Davis, and a Mr. Evans and Mr. McLean and others were present?—A. I don't recollect these gentlemen. I didn't take dinner there that day.

Q. Were you present at any conversation with these gentlemen?—A. Not all of them. I don't know the names of some of those.

Q. With some of them?—A. I don't know them all.

Q. You know McLean?—A. Yes.

Q. You know De Witt?—A. Yes.

Q. He was the Democratic candidate for senator, and Good was the Democratic candidate for the representative?—A. I don't remember his being there.

Q. Did you, in the presence of any or all of these gentlemen, did you say that all the drinks that you paid for, that Phil Raub only ordered the drinks, and that you paid for them, this having reference to the trip that you made to Dallas?—A. No.

Q. You didn't say anything of the kind?—A. No.

Q. Nor did you say that the expenses of that trip were borne by you?—A. No; I did not. I said in substance to the contestant just what I say now. I will explain the thing fully, so there will be no misunderstanding. I came down from a meeting that was arranged by the chairman, Jonathan R. Davis; he was anxious that I should meet the liquor dealers of Nanticoke. At his earnest solicitation I agreed to meet them. After that meeting, when I came downstairs, Jonathan R. Davis said, "I have just bet a suit of clothes that you didn't pay any money for drink," and I said "You are all right;" and he said, "Mr. McLean says that in Dallas you bought drinks with Phil Raub." "Now," I said. "Jonathan, that is an awful thing for him to say. He should have inquired regarding the circumstances."

Q. Was McLean there?—A. I am explaining my answer if you——

Q. Was McLean there?—A. Not at the time; he was later.

Q. I am asking you about the conversation in the presence of Mr. McLean and these other gentlemen?—A. I am coming to that now.

Q. Just come to that. I don't care what you whispered in Jonathan's ear.—A. I said it so they could all hear it.

Q. I want you to tell me in response to my question; what you said between you and Davis is of no consequence here. I am asking you to tell me what you said in the presence of Mr. McLean when any of these other gentlemen were there?—A. I will tell you that. I then walked in the hall, where the contestant was standing with Mr. Dewitt, and I said: "Jonathan, come with me." I walked up to the contestant and said, "Why should you tell such stories unless you know the whole facts? You could have found out that I stood opposite him when he bought his cigar," and I said "you are my guest." I said "I will pay for it, you are my guest;" that was said when he offered to pay for these gentlemen.

Q. To whom did you say that?—A. That gentleman there [indicating Mr. McLean]; the contestant in this case.

Q. How long were you actively engaged in this election contest from the time that you were nominated until election day, traveling the county?—A. I was engaged in the primary until the primary election.

Q. I am not talking about the primary. From the time that you were nominated traveling the county?—A. I didn't do anything until a few weeks before election.

Q. What do you mean by a few weeks?—A. Say two or three weeks.

Q. You didn't travel the country until two or three weeks before election?—A. Not as I can recall. I can refer to my cash book—the petty cash book—and find out exactly.

Q. I have referred to your cash book and that is why I want to know. During that time you spent in your expense account around the county considerable money?—A. No, sir.

Q. Didn't you draw out cash every day?—A. No; from time to time.

Q. Didn't you draw out cash frequently?—A. Not frequently.

Q. How often did you draw it out?—A. The petty cash book will show.

Q. About how much does it amount to?—A. Take the whole campaign, less than \$150 for expenses.

Q. Have you turned that in anywhere?—A. I don't recollect whether I did or not. One moment, I will explain my answer.

Q. No, one moment, you have not answered it yet. I will show you or ask you what?—A. What is your question?

Q. Have you turned that in anywhere?—A. I don't know whether I did or not.

Q. I now show you your expense account that you filed, and ask you whether, from an examination of that expense account, whether you turned that in or not?—A. I couldn't tell from an examination of that whether it is there or not.

Q. Read what you turned in as having expended.—A. (Witness reading:) "October 1, expenditures, disbursements, etc. October 1 to November 7, 1910, Jonathan R. Davis, chairman, \$7,194.40."

Q. That is sworn to by you?—A. Yes.

Q. Have you not time and again testified that all the money you paid was embraced in this account, and that you paid no money except what you paid to Jonathan Davis, as appears from that account?—A. As far as I know; yes.

Q. I now ask you this question: If this \$7,194.40 that you have turned in here includes the expenses you speak of that you were forced to lay out in this canvass?—A. As far as I knew at the time that was filed.

Q. I am not asking you what you knew.—A. Well, I am adding that.

Q. I want you to answer my question yes or no.—A. Yes.

Q. So that in that \$7,194.40 there is embraced the \$150 that you spent as a part of this campaign?—A. I am not sure, and I am not sure if I spent \$150. I can't tell without referring to my cash book.

Q. I am taking your own testimony here that you spent \$150?—A. I didn't testify to that.

Q. Less than \$150?—A. Yes.

Q. How much less?—A. I don't know without referring to my cash book.

Q. Can you give us any idea?—A. No.

Q. Where is that book?—A. It was here, in your hands.

Q. Where is that book?—A. In my office.

Q. You were told to bring all the books down at this hearing?—A. But I told you that it couldn't be here, as it was used in being posted.

Q. Does your bookkeeper need that for the posting?—A. Yes; possibly.

Q. Will you answer my question? Kindly do. Do you now, under the solemnity of your oath, state that that cash book is necessary to your bookkeeper in posting the books?—A. I don't know.

Q. Didn't you say a moment ago that it was?—A. No, sir; I didn't.

Q. You didn't say that it was necessary for her to have it?—A. No; I did not.

Q. I will have the question read to you again: "Does she need that for posting"?—A. I don't know; I have nothing to do with the books.

Q. She is in your employ?—A. Yes.

Q. And you don't know now whether she needs that book?—A. No.

Q. You will have that book at the next hearing?—A. If they are through with it, and if they are not you won't have it. My business must go on and can't stop for you. You have had those books here for two or three weeks, and I have been very accommodating to you. If you want the books you can have them, but you can't have them here all the time.

Q. Mr. Bowman, do you say that you didn't campaign in both of the months of August and September?—A. No, sir; I don't think that I did.

Q. Do you say that you were not in Shickshinny in August?—A. I may have been in Shickshinny in August, but not campaigning.

Q. I am not asking you about your business in Shickshinny if you were not campaigning. Do you say that you were not in Shickshinny, campaigning, in August?—A. I don't think I was.

Q. Were you there?—A. I think that I was there.

Q. What were you doing there?—A. I think at a Sunday school convention in Shickshinny. I am a member of the committee of the Sunday School Union—one of the executive committee—and I recall being there.

Q. Do you know Mr. Bredbender, down there?—A. I don't recall.

Q. After the meeting, didn't you tell Mr. Bredbender and several others—didn't you tell them that McLean was a candidate of the Whisky Trust?—A. No, sir; I never said such a thing in the world. It is a shame and a disgrace to a man should say anything like that. I never did say a word against Mr. McLean in any shape, manner, or form; never did I. Mr. McLean should have told me immediately if any man said such a thing as that; it was his duty, if he said I said such a thing.

Q. You were before the Keystone committee seeking their indorsement, were you not?—A. I was; at their request. I told them that I didn't want to go there.

Q. Did you say, in the presence of that Keystone committee, that when C. C. Bowman takes a bath he does not draw water enough just to cover his feet; he takes a souse?—A. No; wait a moment, I will explain that; I want to explain.

Q. And you used no such language?—A. Something like that. I will explain that. "When C. C. Bowman gets ready to take a bath he don't go in to wash his feet." That is what I said, word for word.

Q. What did you mean by that?—A. I meant that when I was prepared to go into an enterprise I went into it with my whole heart and soul.

Q. And that is all you meant?—A. Yes.

Q. Was anything said about the expenses before you made that remark?—
A. There may have been.

Q. Don't you recollect?—A. I may have; I don't recollect everything that occurred in a conversation of a half hour.

Q. That is what you meant by that remark?—A. Yes.

Q. Was there anything in the text of your conversation between the committee and you that called for this remark, except in relation to the expenses of the campaign?—A. I don't recollect. Do you want me to say as I recall it in connection with the question of the expenses of the campaign?

Q. I don't want you to say anything, except to answer my questions.—
A. Thank you.

Q. Did you pay the expenses, after your nomination, of the delegates to the State convention?—A. I think that would be objected to by my counsel as not having anything to do with this.

Mr. JONES. Objected to as not covered by the notice served upon the contestee in this case.

Q. Answer the question.—A. Yes.

Q. How much?—A. I don't know.

Q. Have you any way of ascertaining?—A. Yes, sir.

Q. How?—A. That was paid through Jonathan R. Davis.

Q. Did you tell him to pay it?—A. He suggested that it was a nice thing to do.

Q. Did you tell him to pay it?—A. Yes, sir; he suggested that it was a nice thing to do, and I told him to go and do it.

Q. Was that put into this \$7,100 that you have accounted for?—A. It depends altogether on what time it was paid. If you tell me the time—

Q. Will you answer the question?—A. I didn't pay any money. That was paid through my agent; he paid it.

Q. Mr. Bowman, was that money you paid the State delegates—a large number—to go from here to the State convention—a large number of people to go from here to the Republican State convention—or was paid by Jonathan R. Davis for you—was that included in the \$7,194.40?—A. I don't know.

Q. You don't know?—A. No, sir; I don't.

Q. Is there any way you have of ascertaining?—A. Yes, sir.

Q. How?—A. Through Jonathan R. Davis.

Q. Did Jonathan R. Davis ever render you an account of that?—A. No, sir.

Q. Did you ever ask him how much it was?—A. No, sir.

Q. Did you ever intimate to him how much it did cost?—A. No, sir.

Q. You paid no attention to it, whatever?—A. I don't recollect. I paid enough attention to know at that time what it was. I don't recollect it now.

Q. When did you pay the money to Jonathan R. Davis that he paid this out of?—A. I don't recall that.

Q. You know that the State convention was in June, don't you?—A. I don't just recall. I had nothing to do with it; I didn't go there.

Q. You don't recollect whether it was in June, July, August, September, or October?—A. I had nothing to do with it.

Q. I am not asking you whether you had anything to do with it.—A. I know about when it was.

Q. About when was it?—A. I think in June.

Q. Isn't it a fact that the first moneys that you paid to Jonathan R. Davis was in October?—A. In connection with the election; yes, sir.

Q. In connection with the election or in connection with anything else?—
A. Certainly not. I paid him moneys for the primaries.

Q. How much did you pay him?

Mr. JONES. The question is objected to, and the witness is instructed not to answer.

A. By the advice of counsel, I will say nothing regarding the primaries.

Q. You refuse to tell me how much money you paid Jonathan R. Davis in the primary election?—A. Yes, sir; I do, by the advice of counsel.

Q. Mr. Bowman, I show you account filed by Jonathan R. Davis of the expenditures of your money, and ask you to pick out from that account, filed in conformity with the law, the money spent by him in the transportation not only of delegates, but, as well, also of a large number of heelers, down to the Republican State convention for you, including hotel bills and private car.—A. This, upon the face of it, does not include the expenses to which Mr. Lenahan refers, as this is the report of the chairman, or purports to be the statement of the

chairman, of the committee, and at that time, and during the primaries, he was acting as my treasurer in the campaign, my primary campaign.

Q. Do you know, or don't you know, that Jonathan R. Davis had filed his account as your representative after the primaries and before the State convention was held, for which this money was paid?—A. I don't know; he may have.

Q. Didn't you file yours, too?—A. I probably did.

Q. Do you know whether you did?—A. Yes.

Q. You did, did you?—A. Yes.

Q. Then please tell us where Jonathan R. Davis got that money that he paid those expenses.—A. He probably got it from me.

Q. Will you tell us when and where he got it—the money to pay a lot of politicians down to Harrisburg?—A. Through the advice of counsel, I am not to tell you anything prior to this contest, and I refuse to tell you.

Q. Will you tell us where Davis got this money to pay these expenses?—A. I can't recall whether—but before I am again on the stand I will tell you; I will have that data.

Q. You will have that data, will you?—A. By advice of counsel, I will.

Q. Do you know Fuller Hendershot?—A. Yes, sir.

Q. Do you know where he lives?—A. No; I don't know where he lives. He is in the town of Plymouth, I suppose.

Q. He is a blacksmith?—A. Yes, sir.

Q. Were you ever in his shop?—A. Yes, sir.

Q. How far is that from your town?—A. About 20 miles.

Q. He was one of the leading spirits of the Keystone Party in Luzerne County, wasn't he?—A. Yes.

Q. Mr. Bowman, he was one of the leading spirits of the Keystone Party in Luzerne County, was he not?—A. Yes, sir.

Q. He was a committeeman?—A. Yes.

Q. When did you first go to see him?—A. I can't recollect. I can't recall that. I think I saw him in connection with the primaries in connection with this election; shortly after he got back. I couldn't just tell you when I saw him. I saw him twice.

Q. What did you go to see him for?—A. I thought the Keystone Party should indorse me.

Q. You went to solicit his influence for the Keystone Party?—A. I did.

Q. Notwithstanding the fact that you have testified here a few moments ago that the Keystone committee sent for you and you did not want to go before them?—A. I didn't.

Q. But you went of your own volition to see Hendershot?—A. Yes, sir.

Q. Twice?—A. Yes.

Q. Did you have any talk with him in your efforts to secure, through him, the indorsement of the Keystone Party? Did you have any talk with him as to what you would spend in the campaign?—A. There might have been some conversation regarding that.

Q. I wish you would recall that.—A. I can't recall it distinctly.

Q. Did you say to him that you were ready and would spend \$30,000, if necessary?—A. I might have told him if it was necessary honestly to spend that amount I would do it.

Q. You would?—A. Yes, sir.

Q. Can you tell me how it could honestly be done; expend any sum like \$30,000 in a campaign in Luzerne County for office?—A. I think it would be a difficult matter.

Q. But you could do it?—A. That might have been, in a certain sense, exaggerating; but it meant to imply that I was prepared to spend whatever money was necessary honestly to conduct the campaign. That might have been exaggerated, such a statement that I was prepared to spend \$30,000.

Q. But you stated this to the men whose influence you were seeking to put you in the Keystone Party, or on the Keystone ticket, didn't you?—A. Yes; but no inference or suggestion that he was to have any such money for the Keystone ticket, but if necessary to secure my election.

Q. What was your object in telling him that?—A. I told him that I was prepared to spend whatever money was necessary honestly to secure my election.

Q. You admit that you told him that you would spend \$30,000. What was your object in telling him that amount?—A. To show him that whatever was necessary I was prepared to furnish.

Q. Why did you fix on the enormous sum of \$30,000? Why didn't you say you were ready to spend whatever was necessary?—A. I did.

Q. Why did you fix on the sum of \$30,000?—A. Because it was just as though I was or said I was ready to spend anything that was necessary.

Q. That is what you meant?—A. Yes; honestly to secure the election. No man ever suggested and I would never allow a penny to be spent any other way.

Q. Thou protesteth too much.—A. For no man can ever honestly say that I ever suggested or asked or permitted a man to spend a penny unlawfully. You know that is well as I do, John.

Q. I am not your judge.—A. My Creator is my judge, and He knows it.

Q. Do you know Samuel R. Morgan, one of the superintendents of the D. & H., who lives in Wilkes-Barre?—A. I know him.

Q. Were you at his house during the canvass?—A. I don't recollect of ever being at his house.

Q. Where did you meet him?—A. I don't recollect where I met him.

Q. You don't know?—A. I know that I met him two or three times in Wilkes-Barre.

Q. Did you meet him before this canvass?—A. Yes, sir.

Q. You knew where his district was as one of the superintendents of the Delaware & Hudson Coal Co., didn't you?—A. No; I can't say that I did.

Q. Didn't you know that Plains was among the territories covered by him?—A. I did not. I knew that the Delaware & Hudson had a colliery there, but I didn't know that it was in his territory. I thought that Pettebone had charge of that.

Q. Will you kindly tell me, Mr. Bowman, where you met him in the city of Wilkes-Barre?—A. I couldn't tell you. I had no definite meeting with him.

Q. I am not asking that. Kindly tell me where you met him?—A. I can't tell.

Q. Was it on the street?—A. It may have been.

Q. Do you recollect?—A. I doubtless met him on the street and other places.

Q. Will you definitely state, positively, that you didn't call at Mr. Morgan's house before election?—A. Does he live on the hill? I never met the man to know him until now, I remember it distinctly. Yes, I remember distinctly. I went out to Mr. Morgan's residence on the hill just above the Stegmaier Brewery on the right-hand side. I did, one evening—

Q. When was that; about two weeks before election?—A. I could not tell you.

Q. How long before?—A. I couldn't tell.

Q. You went up there to solicit his influence?—A. Yes.

Q. You knew his politics?—A. Yes.

Q. You knew that he was a Democrat?—A. No.

Q. What politics did you think he had?—A. I thought he was a Republican; I never dreamed that he was otherwise.

Q. You have lived in this community for how many years?—A. I have lived in Pittston nearly 30 years.

Q. What morning paper do you read?—A. The Record.

Q. The Wilkes-Barre Record, published in Wilkes-Barre?—A. Yes.

Q. You read that every morning in your home, don't you?—A. Nearly every morning when I am there. I am away a great deal.

Q. And, although you read that paper almost every morning when you are home, you never saw it stated in that paper that Mr. Morgan's name was mentioned on several occasions for county offices as a Democrat?—A. I don't recall of such a thing.

Q. Who sent you to his home?—A. Jonathan R. Davis, the county chairman.

Q. Was Jonathan with you?—A. No.

Q. How did you find out where he lived?—A. Jonathan told me.

Q. Did anyone go with you?—A. No, sir.

Q. How long were you with him?—A. Half an hour, or maybe 15 or 20 minutes. It was just at his supper time.

Q. What was the argument you were using with him to support you?—A. I don't recollect any special argument.

Q. And you never ascertained from that talk what his politics were?—A. No; I never asked him, and he didn't tell me.

Q. And you don't recollect what that talk was that you had with him?—A. I had so many conversations during the political campaign that it is hard to recall every one.

Q. This man is a big man in this community; an important man?—A. I don't recall any more than I told him that Jonathan R. Davis asked me to come and see him and secure his support in connection with my candidacy.

Q. What did he say to that?—A. He said that he would.

Q. He said that he would support you?—A. Yes, sir.

Q. Did you tell him that you wanted his support, and you asked him to handle and look after Plains for you?—A. No; I didn't.

Q. Did you tell him to see Jonathan R. Davis for you?—A. Yes; I think that I did.

Q. Did you tell him in addition to that that Jonathan R. Davis was authorized to make the financial arrangements with him?—A. Here is what I told him—

Q. Now, Mr. Bowman, just answer my question. Did you tell him that?—A. Yes; I will explain my answer. I said that I had nothing to do with the handling of money in connection with the campaign. That it was all handled by the county chairman, Jonathan R. Davis.

Q. Your manager?—A. No; I didn't say my manager.

Q. Now, we will go to another gentleman, Lawrence Cosgrove. Did you not talk to Lawrence Cosgrove, of Duryea, in which you solicited his support?—A. I don't recall any talk with him.

Q. No talk at all with him?—A. I remember seeing him there.

Q. Where did you see him?—A. At Burgess Freeman's office.

Q. When?—A. I think the week before election.

Q. Freeman was there?—A. Not when I was with Cosgrove.

Q. Not while you talked to Cosgrove?—A. No.

Q. Did you have any talk with Freeman, too?—A. Yes, sir.

Q. Where?—A. In his dwelling adjoining his office.

Q. He is the Burgess of Duryea, isn't he?—A. Yes.

Q. Was that the same day that you had the talk with Cosgrove?—A. I had no talk to Mr. Cosgrove any more than to say "Good day." May I explain the circumstances?

Q. Yes, certainly.—A. Jonathan R. Davis asked me to see Burgess Freeman, and I went up. The car was stalled, there was a heavy snowstorm that day, and Mr. Cosgrove was going past and I got in the carriage and rode up with him, and when I got in the room adjoining the office I told him that Jonathan R. Davis sent me up to see him and see if he couldn't assist me in connection with the campaign, and he said Cosgrove was well acquainted all over the county, and that he could be of considerable assistance in the campaign. Then, again, Mr. Freeman, of Duryea, is a brother of an intimate friend of mine in Pittston, and the question arose as to having any money in connection with getting watchers and dissemination of information, and I told him that was a matter handled by Jonathan R. Davis, and he named the amount Cosgrove would require to do the work—to attend to the matter—and I think he said \$150, and when I got to the office I related that conversation to Jonathan R. Davis over the telephone.

Mr. JONES. Over the telephone?

A. Yes.

Q. And then, Mr. Bowman, you had no talk about politics at all with Cosgrove or about his working for you?—A. No.

Q. You didn't request him to do any work for you?—A. No, sir.

Q. You dealt with Mr. Freeman?—A. Yes.

Q. And Mr. Freeman told you that \$150 would be required?—A. Yes.

Q. What for?—A. To set right certain stories that had been circulated about me and secure watchers.

Q. What were those certain stories that Cosgrove was to set right?—A. He didn't state.

Q. Didn't Mr. Freeman tell you what they were?—A. No.

Q. Didn't you in your solicitude for your own character and your own success in the campaign take pains to inquire what these stories were?—A. I was not afraid of my character.

Q. Answer the question.—A. No, sir.

Q. You didn't?—A. No.

Q. So that you were paying a man \$150 for, among other things, setting right stories about you, the existence of which and the character of which and the nature of which you had no knowledge at all; is that right?—A. I didn't know the character.

Q. And a part of this money was to be used for watchers, you say?—A. That is what he said.

Q. Watchers where?—A. At certain parts of the county.

Q. What parts of the county?—A. He didn't specify.

Q. Then you gave \$150 to a man you hadn't spoken to, on a proposition that he was to distribute, to pay certain men money for watchers, and what district they were to be at, and who they were to be you knew nothing of?—A. I didn't give him any money.

Q. Your representative did, and you told your representative to. You know that I told you before that he acts through another acts through himself. I will repeat the question. You gave, or authorized to give through your agent, a man \$150 for purposes that you knew nothing about, really?—A. I did know what the purpose was. He stated what the purpose was, and I told you he stated the purpose.

Q. Where were the watchers to be?—A. I don't know.

Q. Who were they to be?—A. I don't know.

Q. Now, do you know what stories were to be contradicted?—A. No; I don't. I will explain to your statement that I gave him the money that I did not give him any money.

Q. Didn't Jonathan Davis give it to him at your request?—A. No; he didn't, except in the sense that when I told him about Cosgrove, to whom he gave the money, that I said he should, probably, or should not give it to him as county chairman. I will say that I approved of his giving it, however.

Q. I will allow you no more room to duck or dodge.—A. I have no more desire to duck or dodge than you have to have me do it.

Q. Didn't you tell Jonathan R. Davis over the phone to send Lawrence Cosgrove \$150? Answer that yes or no.—A. I didn't in so many words, no, sir; I did not.

Q. That is what he testified to.—A. If he testified that I told him that he interpreted when I said that he wanted that that I approved of it, and I did approve of it and I do approve of it.

Q. Do you know T. L. Newell?—A. Yes. Do you mean Mr. Newell, of Kingston?

Q. Yes.—A. Yes.

Q. Were you at the Lafayette-Wyoming Seminary football game November 24?—A. What was the date?

Q. November 24.—A. I think that I was. I was at pretty nearly every football game that was going on

Q. Don't you recall that?—A. I think I was.

Q. You recall last Thanksgiving Day, of course?—A. Yes.

Q. This was Thanksgiving Day. Do you remember the football game on that day?—A. I might have been there.

Q. I am asking you whether you don't remember whether you were or not?—A. Well, I go to a good many football games, but I think I did. I can't tell you positively, but I think I was, John.

Q. You remember if it was Lafayette?—A. I think that it was.

Q. Did you meet Mr. Newell there?—A. I think that I saw him. I usually do at every football game. I have seen him at so many that I can't remember.

Q. I am talking about this one. Did you have a talk with him there?—A. I don't remember, John.

Q. I will ask you something that don't happen every day in the month. Did you talk to him about politics there?—A. If he was there and I was likely there—if he was there and I was there I likely did.

Q. What is Mr. Newell's business?—A. I don't know his business. He is connected with the Kingston Coal Co. in some way.

Q. That is a large coal-operating company?—A. Yes.

Q. And he is also the president or vice president of a bank?—A. I think he has that honorable position.

Q. He is a man of large affairs?—A. Yes.

Q. His name was mentioned as a candidate for Congress some years ago?—A. Yes.

Q. I will ask you again, Did you have any talk that day to Mr. Newell about your campaign?—A. I don't recollect it.

Q. You don't recollect that?—A. No.

Q. Did you tell him in that conversation that the campaign had cost you \$40,000 and that it was the best \$40,000 you ever spent?—A. No; I never did, because it is a lie. I never told a lie; that is why I didn't tell him that. This man [indicating Mr. Jenkins, counsel] turns around as though he might have done it.

Q. Do you know Asher Miner?—A. Yes, sir.

Q. He is a Republican, also?—A. I think he is.

Q. You know that he is, don't you? You know that?—A. I thought when I began here that I knew the politics of Mr. Morgan. I thought he was a Republican.

Q. I am not asking you about the politics of Mr. Morgan.—A. No. I think Mr. Miner is a Republican; I hope he is.

Q. Don't you know that he has been the candidate on the Republican ticket, and has been nominated and elected from the city of Wilkes-Barre to the legislature?—A. Yes.

Q. Don't you know that he was a candidate against your friend, Gen. Palmer, whom, I believe, got you out for this office? Don't you know that?—A. Yes.

Q. Still you don't know positively that he is a Republican?—A. Yes; and I thought so at first. My thoughts are equal to my belief, and my belief to my thoughts.

Q. Did you have any talk with him about the expenses of your campaign and your election?—A. I don't recall anything.

Q. Did you ever tell him that your campaign and election cost you at least \$25,000?—A. No; I did not.

Q. You did not?—A. No, sir.

Q. When did you first approach Jonathan R. Davis about being your manager in your campaign? You called him up by phone the very day that Gen. Palmer declined to run, didn't you?—A. Are you talking about the election?

Q. I am talking about the campaign. He was your manager in the primaries, as well as in the general election. I am asking about the election generally.—A. The primary is not the election.

Q. It is the election generally. That includes the primaries. When did you first secure his services for any purposes?—A. At the primaries.

Q. When did you first secure his services?—A. At the primaries, or do you want the election? I will tell you just what you want, or both.

Q. When did you first secure his services?—A. Where?

Q. Answer the question. Why do you quibble so? Why don't you answer?—A. I will tell you if you state definitely.

Q. I want you to tell me when you first procured his services.—A. For what?

Q. You never employed him for anything except in election matters?—A. I think that he has done some work for me.

Q. Since you are resorting to this, we will go at it. When did he do some work for you?—A. When I was at Harvey's Lake; some real-estate matter.

Q. When was that?—A. I think that was in 1906.

Q. Some real-estate matter?—A. Yes.

Q. In 1906 don't you know that he was not in the real estate; that he was sheriff of this county?—A. He has always been in real estate. I didn't buy anything, but he talked to me about some property.

Q. Did you secure his services?—A. In what?

Q. In any real estate?—A. Do you want me to tell you about the primaries?

Q. I am coming to that now.—A. I will tell you.

Q. I will put the question first to you. When did you first procure his services?—A. As political manager on the—I don't recall the exact date.

Q. When was it with reference to the public announcement or the refusal of Mr. Palmer to be the candidate?—A. It was the Saturday night before, and on Monday his announcement came out. It was Saturday night, I think.

Q. It was on Saturday night before the Monday on which Mr. Palmer publicly announced that he was not going to be a candidate for Congress?—A. I think so.

Q. Did you talk to Mr. Davis over the phone?—A. Yes.

Q. Did you say to him, "I am going to be a candidate for Congress, and I would like you to take charge of my canvass"?—A. Yes.

Q. And did he say that a campaign in this county for Congress would be pretty costly, Mr. Bowman?—A. No.

Q. You did—he did not say that?—A. No, sir.

Q. That you are sure of?—A. Yes, sir; I am.

Q. And did you in response say to him, "When C. C. Bowman takes a bath, he doesn't draw just enough water to cover his feet; he takes a souse"?—A. No; I did not.

Q. Or language to that effect?—A. No, sir; I will tell you what I said. Not in those words. I will tell you just what the words were. Do you want the conversation further than the answer?

Q. Just tell what the words were.—A. He says, "You are quite a plunger." I said, "When I get ready to take a bath, I don't go in to wash my feet."

Q. What was the remark that was made by you to him before he said "You are quite a plunger"?—A. I told him that certain citizens had come to me and asked me to run for Congress, and I had decided that I would, and he said, "You are quite a plunger."

Q. How did the fact that you were running have anything to do with being a plunger?—A. Because I announced my candidacy so definitely to him.

Q. What did you understand that he understood a plunger to be when he said that?—A. He thought that I arrived at conclusions very suddenly.

Q. That was used in connection with the statement that a campaign was very costly?—A. No.

Q. He told you that, didn't he?—A. No, sir; not at that time.

Q. When did he tell you that?—A. He said that he didn't want to take hold of the campaign; that he had promised his wife that he would not go into another political campaign, and he didn't want to have anything to do with it, and I told him his wife was a warm friend of mine, and I was sure that I could interest her in his taking hold of it for me.

Q. Did you go to see his wife?—A. No.

Q. When did you see him?—A. Few days after that.

Q. Now, up to that time had he agreed to take charge of your campaign?—A. No.

Q. Then it was a few days after he agreed?—A. Not a few days. It was some time before he agreed.

Q. He told you in the talk you had with him, the personal talk you had with him down here in Wilkes-Barre, that it would be a pretty costly campaign, didn't he?—A. Yes; he said, "You know there are 311 polling places in this county, and it has been the practice to have two committeemen or two watchers in each ward or each polling place, and that would be about \$3,000. There will be advertising and other expenses which will run it up to close to \$5,000."

Q. He didn't tell you—this was before the primary?—A. Yes, sir.

Q. He didn't tell you as your own account shows that it would cost \$12,000, according to your own figures?—A. No; my account does not show any such figure.

Q. What does your primary account show?—A. You mean the primary election, too?

Q. Yes.—A. Don't take the primary and the election together. Don't get funny now, John. Let us be decent and serious.

Q. I am trying to be serious. I am afraid it is too serious for you.—A. No; it is not too serious. It is a very serious matter when you attempt to place me in a false position.

Q. We will now proceed with the case?—A. Well, then, proceed straight and right. I want to be right, and I have always been right in everything, Johnny.

Q. You wanted to know from Jonathan R. Davis what it would cost, what that contest would cost?—A. Not especially; no, sir. He told me that the primaries would probably cost \$5,000.

Q. He told you that the primaries would cost \$5,000?—A. Yes, sir.

Q. You had no talk with him about the general election?—A. No.

Q. None whatever?—A. No, sir.

Q. In what connection did he say that you were quite a plunger?—A. When I told him of my candidacy.

Q. I asked you if he used that word "plunger" in connection with the cost of the campaign, over the phone, and you said no, that he did not say it in connection at that time. Now, I want to know in connection with what talk of the cost did he say that you were quite a plunger? You seem to be a generous man, as well as a just man, don't you?—A. I don't think he ever said that. I try to be generous as well as just.

Q. You knew that this contest in the primaries and the general election would take up a great deal of the time of Mr. Davis, didn't you?—A. Yes, sir.

Q. And you knew that he could not very well afford to give up his time without compensation to travel this county for you. You knew that, did you not?—A. Yes, sir; I did.

Q. Did you ever pay him anything for his services?—A. No; not one cent.

Q. Did you ever promise him anything for his services?—A. Never promised him anything.

Q. You never contemplated paying him anything?—A. That is another matter.

Q. How is that?—A. I hope some day to repay him.

Q. Have you fixed any figures in your mind about repaying him?—A. No, sir.

Q. You have no idea whether it will be \$100 or \$1,000?—A. No.

Q. But some day you intend to pay him?—A. If my life is spared.

Q. Why are you putting it off some time?—A. Because it is not convenient for me now.

Q. That is the reason is it?—A. That is the reason.

Q. Why don't you, as long as you intended paying him for his services, that is, if you contemplated—

Mr. JONES. Objected to.

A. I don't care how he puts the question, let it be put in any way. Go ahead Johnny, don't let me bother you.

Q. If you contemplate paying him as you have sworn to here, why did you not include some figures for his expenses?—A. I didn't contemplate it any more than when any man does any favor for me. I hope before my life is passed to repay it.

Q. He gave you very valuable services?—A. Yes, sir.

Q. He gave you a large amount of his time?—A. Yes, sir.

Q. And he was illly able, compared to your means, to give two or three months to your political contest to get to Congress?—A. I don't know; John is a man of means to a limited extent, and he and I are very friendly. When I was at Harvey's Lake and got very well acquainted with him and his family, and I told him at that time I hoped sometime to be a candidate for Congress, and if I were that he would take hold of my campaign, that is the reason.

Q. When was that?—A. That was in 1906.

Q. You had no idea of being a candidate then?—A. I had an idea that the time would arrive when I could spare the time.

Q. And in addition to that promise of his he didn't want to take charge of your campaign?—A. No, sir.

Q. He said that it would take a good deal of his time?—A. No; it was not that.

Q. What was the reason?—A. He said that he didn't want to have anything to do with politics. That he had promised his wife not to do it. That he had been through a campaign for Gen. Palmer, one for Judge Fuller, and one for Judge Halsey, two for Congressman Palmer, and he didn't want to have anything more to do with politics. That he had promised his wife to that effect.

Q. He didn't mention being through a campaign for Abe Salsburg, did he?—A. No.

Q. Where did he tell you that, Mr. Bowman? He didn't happen to be through a campaign for Judge Halsey?—A. I don't recall.

Q. Now, you will have all those books down here at the next meeting?—A. When will that be?

Mr. MCLEAN. To-morrow morning.

A. What do you mean by all the books? Do you mean the check books?

Q. Those books you were subpoenaed to bring. I told you the check book and the cash book and the checks and the bank books.

A. Now, don't get cross with me; I want to do everything I can. Be good natured, as well as you can, Johnnie.

(Hearing adjourned until 10 a. m. Saturday, March 4, 1911.)

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON, and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Saturday, the 4th day of March, 1911, at 10 o'clock in the forenoon at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

William P. Jennings, Pittston, Pa.; J. D. Cooper, Plymouth, Pa.; Cyrus S. Weiss, Wilkes-Barre, Pa.; Alfred E. Williams, Plymouth, Pa.; John C. Lewis, Plymouth, Pa.; E. T. Giering, Wilkes-Barre, Pa.

GEORGE R. MCLEAN.

Service accepted this 2d day of March, 1911.

EVAN C. JONES, Attorney for C. C. Bowman.

Digitized by Google

SATURDAY, MARCH 4, 1911.

Hearing resumed at 10 o'clock a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., John E. Jenkins, Esq., A. C. Campbell, Esq., counsel for contestant; Arthur L. Turner, Esq., commissioner for contestant. C. C. Bowman, contestee, in person; Evan C. Jones, Esq., counsel for contestee; William L. Bowman, Esq., of New York City bar; John A. Opp, Esq., contestee's commissioner.

EUGENE G. GIERING, called on behalf of the contestant, and duly sworn.

Examined by Mr. LENAHAN:

Q. Mr. Giering, you live in the city of Wilkes-Barre?—A. Yes, sir.

Q. What is your occupation?—A. Editorial writer on the Record.

Q. That is the Wilkes-Barre Record?—A. Yes, sir.

Q. A daily paper here in the city of Wilkes-Barre; a Republican paper in politics and policy?—A. Yes, sir; generally.

Q. Mr. Giering, how long have you been connected with the Wilkes-Barre Record?—A. Twenty-one years, I think.

Q. I show you an article in Wilkes-Barre Record of November 7, and call your attention to an article on page 7 of the Wilkes-Barre Record, headed: "Out for McLean. Liquor interests show attitude at a meeting of dealers. Speeches made urging the support of the Democratic candidate. Comment of Jonathan R. Davis, chairman, on the action taken." I called the attention of Mr. Davis to this article, and the fact that it was written in the Record, when he was on the witness stand, and I now call your attention to the article and ask you who wrote that article?—A. I wrote it myself.

Q. That article was written Sunday night in the office of the Wilkes-Barre Record?—A. Yes, sir.

Q. And the article was written after a consultation between you and Mr. Davis, Mr. Moore, and Mr. Boyd?—A. Well, Moore was not there and had no hand in it at all. He simply dropped in and looked around and went out. I can't recall that he concerned himself about it at all.

Q. You say that Mr. Moore was not there?—A. I think that he dropped in for a few minutes, but I don't think that he knew anything about the article.

Q. Had the article been written when he was there?—A. No, sir.

Q. Was it after he left?—A. I think not, I can't recall it exactly.

Q. But you say when the writing of the article was discussed that you and Mr. Davis and Mr. Boyd were there; is that right?—A. Yes, I think so, there may have been others who dropped in and out.

Q. What time did Mr. Davis come to your office on that Sunday evening?—A. It was very late. I think about 11 o'clock or after that, perhaps.

Q. Did he call you up on the phone and make an appointment?—A. No, sir.

Q. He just came in there?—A. Yes, sir.

Q. Did he give you the information upon which that article was written?—A. Most of it; yes, sir. Somewhat earlier, perhaps earlier, an hour earlier, I heard it talked of in the office, among the reporters, that the liquor dealers had done something about Mr. McLean's candidacy.

Q. Who were the reporters that you heard?—A. That I can't recollect. I was trying to recall that, but I can't.

Q. You have—you can't recall their names?—A. No. I have been trying to, but I can't.

Q. Did you ever say to anyone that the information conveyed in that article was brought to you by one of your most reliable reporters?—A. No, sir.

Q. You did not?—A. No, sir.

Q. Then all that you knew up to the time that Mr. Davis came to the office about any information contained in this article was what was talked somewhat in a general vague way by your reporters in the office?—A. Yes.

Q. You can't give us the name of the men or the man who talked about it?—A. No, it was just a desultory conversation and I can't remember.

Q. So that this line of information conveyed in that article was given to you by Jonathan R. Davis?—A. Yes, sir, the main information.

Q. And this was the understanding—did you write it while Jonathan R. Davis was there?—A. No, sir.

Q. Was it after he left that you wrote it?—A. After he left.

Q. It was given to you by him with a view to having it inserted in the paper?—A. Yes, sir; I suppose it was.

Q. On the day before election?—A. Well, it was the 7th.

Q. And election was on the 8th?—A. I don't recall the day of election.

Q. How long was Mr. Davis with you?—A. Well, perhaps for a half hour.

Q. Did you talk about anything else, except about this article?—A. Not that I can remember. I don't recall anything, but we may have discussed the campaign in a general phase; I don't know about that.

Q. Mr. Davis lived in Kingston, didn't he, at that time?—A. I really don't know where he lived.

Q. You didn't know that he lived in Kingston?—A. No, I don't know where he lives now.

Q. Did he tell you where he got the information from?—A. If I remember right he stated that he had a representative present at the meeting.

Q. He said that he had a representative present at the meeting?—A. Yes, I think that is the statement that he made.

Q. Who did he say the representative was?—A. He didn't say who he was.

Q. He gave you no information of that character?—A. No.

Q. You knew that was a very important article, as bearing upon the result of the campaign, didn't you?—A. Well, in fact, at the time I didn't know what effect the article would have.

Q. Then you, as a newspaper man, had no idea what the effect would be?—A. No; because I didn't know to what extent the liquor interests might have on the election.

Q. Then you put that article in without any special object in view, politically, did you?—A. Partly. Mostly as a matter of news; yes, sir.

Q. And what was the balance of it put in for?—A. You mean the interview?

Q. You say that it partly was put in as a matter of news?—A. Yes.

Q. That means the whole of it was not as a matter of news, but that you had some other object in view? What was the other object?—A. Whatever political effect it might have, of course, being in a party newspaper.

Q. Then you did put it in for political effect?—A. Yes, in part.

Q. Did you make any effort whatever to verify or negative the averments contained in that article before you put it out, anything besides the talk that you had with Mr. Jonathan R. Davis?—A. Well, it was very late; it was very nearly midnight.

Q. We have got that down. Answer my question. Did you make any efforts?—A. No, sir.

Q. None whatever?—A. No, I considered Mr. Davis's statement sufficient.

Q. You took the say so of Mr. Davis, the manager of C. C. Bowman's campaign for the statements contained in that article reflecting upon Mr. McLean without making any effort to ascertain the truth or veracity of these statements?—A. Yes, sir; he stated that he had a representative present at the meeting.

Q. And, although you didn't know who the representative was, you didn't go to the trouble to find out what the standing of this representative was in the community?—A. No, sir.

Q. You didn't ask Mr. Davis the name of his representative?—A. No, sir.

Q. I show you, Mr. Giering, an article written on your editorial page of the issue of December 28, 1910, it being the article to which I called the attention of Mr. Davis when he was on the stand in this case.

Mr. JONES. This is objected to, for the reason that the publication of this article was nearly two months after election. It is immaterial and irrelevant in this case.

Q. I ask you who wrote that article?—A. I wrote it.

Q. You wrote it?—A. Yes.

Q. The day before this article appeared Mr. McLean met you, did he not?—A. Yes, sir.

Q. And Mr. McLean spoke to you about the injustice had been done him in the publication of the article the day before election, didn't he?—A. Yes; he said that he thought it created a wrong impression. I told him that the article printed on the morning of the 7th did not say the liquor interests had formally indorsed him, but that the inference was that speeches had been made in his favor; that there was a certain tentative decision to support him.

Q. And you told him that was what the article said?—A. Yes.

Q. That was the construction that you put on the article, was it, Mr. Giering?—A. Yes, sir.

Q. You put the construction on this language which I will read to you. [Reads:] "While some of the dealers present were not openly in favor of taking such a stand, the majority prevailed." That is the indorsement of Mc-

Lean. "The majority prevailed." That is the construction that you put on that language?—A. The speech of the majority was voiced both before and after the meeting.

Q. That is not the speech of the majority. That is "the majority prevailed." What did you mean by that? Didn't you mean that the majority prevailed in favor of McLean?—A. I would say the sentiment of the majority prevailed.

Q. That is not what you said. I am talking about that article, and I ask if it bears the construction you contend for it? Now, here you say: "While some of the dealers present were not openly in favor of taking such a stand, the majority prevailed." What did you mean? Prevailed in what respect?—A. The speech or the sentiment of the majority, that the majority seemed to favor, or something of that nature. There was no vote taken, as I understand.

Q. What do you mean "majority prevailed"? It prevailed in what?—A. It may not have been very well worded, but the idea was there.

Q. Let us be frank and candid. When you said the majority prevailed, you meant the only construction that can be put on that, that a motion prevailed that the liquor dealers should support McLean? Isn't that what you meant?—A. No; I didn't know whether a vote had been taken or not.

Q. I know you didn't know it; that is the point.—A. That the sentiment of the meeting was to support McLean's candidacy; that is the impression I got from it.

Q. Didn't Mr. Davis tell you that they had indorsed him; that they had indorsed McLean? Didn't he tell you that?—A. I can't remember that he did.

Q. And wasn't it with that in your mind that you wrote that article?—A. He may have said so; yes, sir.

Q. Now, coming back to the article, the editorial in the issue of December 28. You say that Mr. McLean met you and talked this matter over with you, and he complained about the injustice about this article that you got the information upon which this article or interview was based, and that you got it from one of your most reliable reporters?—A. Well, I don't remember the conversation that took place at that time. I only remember that Mr. McLean thought that the article created a wrong impression. I can't just remember what the conversation was.

Q. Didn't you tell him when he spoke about the injustice of the article that you got it from one of your most reliable reporters?—A. I can't remember that conversation.

Q. Well, we won't quibble in this matter. You remember writing the editorial in pursuance of that talk?—A. Yes; I wrote the article. I remember that.

Q. Then it was not upon the say so of any reporter that you wrote this article, was it?—A. Not that I can remember. I had no particular information. I didn't know anyone in particular who mentioned it. It is possible that a reporter was detailed to go out and look up the information; but I can't remember that.

Q. I am only asking you what you know, not what might possibly have happened. It was upon the information that Jonathan R. Davis, manager for C. C. Bowman, furnished you?—A. Yes, sir; primarily.

Q. When that article appeared of November 7 Mr. McLean was sick, wasn't he? You knew that from common rumor? Sick in bed?—A. I saw an account of it in one of the newspapers.

Q. After having published this most unjust article upon Mr. McLean, Mr. Giering, tell me why, as a man that wanted to do justice between man and man, you didn't seek on the Monday after this article appeared to verify or disprove the truth of that article and publish the actual truth on Tuesday, the morning following?—A. I took it for granted that the article was perfectly true.

Q. Because Jonathan R. Davis told you so?—A. I had no reason to suspect that it was wrong. I knew nothing to the contrary until Mr. McLean came in.

Q. You say that you had no suspicion until December 27, the day before you published this semiretraction? You had no reason to suspect that the article was untrue?—A. No reason at all.

Q. But did you not hear it on the streets?—A. Not that I can recall.

Q. You didn't hear it on the streets?—A. Not that I can recall.

Q. Nothing of the kind, one way or the other?—A. No; I might have heard, but I can't recall it.

Q. And you never took any pains to verify or disprove that article, did you?—A. No, sir.

Q. You simply sent it out unsupported by any testimony, except the statement of Mr. Davis to you—you sent it out in this community?—A. Yes.

Q. For political purposes?—A. There was another incident that rather confirmed the article. Peter Quinn, of Wilkes-Barre Township, came in soon after Jonathan R. Davis came in, or rather after Mr. Davis left, and he stated that a collector of some brewery had left a circular at his place, while he was out, mentioning Mr. McLean's candidacy and commenting on Mr. McLean, the purport of the circular being to influence Mr. Quinn against Mr. Bowman, as I understand. We had the circular at the time, but I destroyed it.

Q. Where is that circular?—A. I destroyed it.

Q. Is Mr. Quinn a saloon keeper?—A. He said he was.

Q. He didn't see it left there, did he?—A. He said a member of his family told him; he said if the collector came around again he would throw him out.

Q. Quinn is a Republican, isn't he?—A. I don't know his politics.

Q. You don't know that Peter is a Republican?—A. No.

Q. I show you this circular and ask you if that is not a copy of the circular showed you by Quinn?—A. I think that is the circular, although I don't exactly remember. I didn't pay much attention to it at the time, but I think that is the circular.

Q. I will read the circular and ask you if there is anything in that circular that justified you in putting that article in your paper [reading]?

WILKES-BARRE, PA., October 31, 1910.

MY DEAR SIR: On November 8 the next general election will be held. At that time State officers, Members of Congress, and members of the State legislature will be elected. At this election, to a large degree, the question of a local-option law for Pennsylvania will be decided. As you no doubt understand, under a local-option law the people will have the right to determine, by ballot, whether or not licenses shall be granted in their respective townships, boroughs, or wards, or cities.

The Anti-Saloon League, which is a nonpartisan movement, has made a thorough investigation of the candidates of every political party on the local-option issue, and as a result of this investigation we take the pleasure of recommending to the voters of Wilkes-Barre the following candidates:

For governor, William H. Berry.

For lieutenant governor, D. Clarence Gibboney.

For the legislature, Edward Watts.

These men have openly declared in favor of local option, and if elected can be depended upon to do their utmost to have such a measure passed.

For Congress, C. C. Bowman should be supported. His opponent, George R. McLean, is an attorney for the Stegmaier Brewing Co., and as such would be more or less controlled by the liquor interests. On the other hand, Mr. Bowman is opposed to the liquor traffic and is active in all moral and Christian movements. Consequently, he will be more favorable to temperance measures in Congress than his opponent.

In view of the prominence and importance of this issue, and as you no doubt believe in a fair and square deal for the people, we trust you will cast your ballot for these men and do all in your power to have others do likewise, and thus do your part toward ending rum rule in Pennsylvania.

Yours, sincerely,

PENNSYLVANIA ANTI-SALOON LEAGUE,
C. H. BRANDT, *District Superintendent.*

Q. Mr. Glering, is there anything in that article or in that circular left you by Peter Quinn, which he said was left at his house, that would justify you, as a man of intelligence, a man of fair dealing between man and man, for publishing this article of November 7, wherein you say that the saloon keepers met and indorsed Mr. George R. McLean? Answer that yes or no, and you can explain afterwards?—A. There is nothing in the circular itself.

Q. Then it was not on what Peter Quinn said to you, it was not what anyone else said to you, except Jonathan R. Davis, that you published that article?—A. Mostly; yes, that may have been slightly confirmatory.

Q. Very slightly. That, of course, like the information which he had of the meeting. The only thing confirmatory about it is, "On the other hand, Mr. Bowman is opposed to the liquor traffic and is active in all moral and Christian movements."—A. It is confirmatory in that the liquor interests were in support of Mr. McLean.

Q. Where is that impression within the four corners of that paper that the liquor interests were in support of McLean?—A. The fact that it was left by the collector for a brewery itself.

Q. But Quinn didn't know that it was left by the collector of a brewery, did he?—A. He was so informed, he told us.

Q. He didn't see the collector there, did he? I am asking you to tell me, from within the four corners of that paper, where there was a single thing to justify any statement that you have made now?—A. Well, the mere fact that the agent of the Anti-Saloon League came out in favor of Mr. Bowman and issued a circular would, I think, have a tendency to create opposition among the liquor dealers.

Q. Did you know that Brewer Dick Hughes was one of Bowman's warm friends and wrote articles to your paper supporting him?—A. He wrote no articles that I know of.

Q. Don't you remember the article in your paper from Richard Hughes, head of the big Brewery Trust, defending the candidacy of Mr. Bowman?—A. It may have been in the nature of an advertisement.

Q. I don't care. I happened to read it.—A. I don't remember.

Q. You know Dick Hughes?—A. I know of him.

Q. From up in West Pittston, isn't he?—A. I think so.

Q. And he has been a brewer up there for years?—A. Yes.

Q. And everything that he has got he has made out of the brewing business from what people say there? Didn't that article appear in your paper under the hand of Dick Hughes, and didn't that article influence you to the belief that the brewers were supporting Mr. Bowman?—A. Well, I don't remember seeing the advertisement.

Q. It is your duty and it has been your business for a long time, writing editorials, hasn't it?—A. Yes.

Q. You read everything of importance especially bearing upon politics and the campaign, that appeared in your paper?—A. I don't read the advertisements as a rule.

Q. Well, the editorials, especially during the campaign, related many times to politics?—A. Yes.

Q. It is your duty to gather up the facts upon which the editorials are based and as such you try to ascertain them, even from your own paper?—A. Yes.

Q. What facts there were bearing upon the campaign that might weaken or strengthen the candidate of the Republican Party?—A. Yes.

Q. And you now say under the solemnity of your oath that you never saw an article in your paper in the shape of a written narrative or interview there, in your own paper or any other paper in this county, coming from Dick Hughes, the brewer, advocating the election of C. C. Bowman to Congress, the "Christian" as he is called in here (circular), is that so?—A. I can't recall reading it.

Q. I show you the issue of March 2 of your paper, that is the day before yesterday, headed "Deny Indorsement. Liquor dealers' officers did not favor McLean. Say they only indorsed Tener for governor, discussed the legislative contest, but did not take any action in the congressional fight. Probing election district of Edwardsville." This purports to contain an account of the testimony that was taken here before the commissioner in this contested election the day before yesterday, the article I show you. Who wrote that article?

Mr. JONES. This is objected to on the ground that the statement in the question itself shows that the article was written months after the election and also months after the witness, Mr. Giering, wrote that article in question and can have no possible bearing on this cause.

Q. Answer the question.—A. Well, Mr. Ramsey was reporting on this case, and I presume that he wrote it.

Q. Did you see the article before it was put in print; was it submitted to you?—A. Some of them have been. I have looked over some of them. I don't remember whether I did this or not.

Q. This is the day before yesterday.—A. I think perhaps I did. I look over so many things every day that—that I think that I did.

Q. These proceedings are a little important?—A. I think I did.

Q. I call your attention to something—A. I am not positive about that, though.

Q. Just listen to this as I read it. I call your attention to the portion I desire to have you explain [reading]. "At yesterday's hearing of the McLean-Bowman congressional contest, attorneys for the contestant brought out the

fact that the Liquor Dealers' Association had not indorsed George R. McLean as their candidate for Congress, and the articles sent to the newspapers were not correct." What does that mean?—A. I don't know to what it refers.

Q. You read it over?—A. I can't recollect.

Mr. JONES. He didn't say that he read it over.

(Witness refers to paper.)

A. I think that I did read it over.

Q. You read it yourself. Now what is meant by that portion of that article, "That the articles sent to the newspapers were not correct"?—A. Well, I didn't read the article carefully. I merely glanced over it to satisfy my curiosity to see what the proceedings of the day before were. I glanced over it hastily and don't remember seeing that portion of the article.

Q. After it was arranged between you and Mr. Davis that the article on McLean was to go into your paper, what was said between you and him about steps being taken to have the article published in different parts of the county in other papers?—A. Nothing to me at all.

Q. Nothing of that kind said to you at all about it?—A. No.

Q. Did you know that it appeared after it appeared in your paper; that it appeared in other papers of the county?—A. No; naturally I saw it in the course of this investigation here.

Q. That is the first that you knew of it?—A. Yes.

Q. Well, you know now that a great wrong was done Mr. McLean in this statement, don't you?—A. If the facts were not as stated, certainly some wrong was done him, but my contention was right along that there was no direct statement that the Liquor Dealers' Association did indorse Mr. McLean.

Q. In other words your article, as you arranged or supposed to have arranged it, was a Machiavellian article, was it?—A. It was intended to create the impression that the sentiment of the meeting was for McLean.

Q. That the liquor dealers were for McLean?—A. Yes, sir.

Q. And you made that statement without a single fact upon which to base it, except what Jonathan R. Davis told you?—A. Jonathan Davis told us, and the talk among the reporters about this meeting, and the slightly confirmatory statement of Mr. Quinn, all tended to create the impression that the liquor dealers had indorsed Mr. McLean.

Q. Although you can't give the name of a single reporter?—A. No, sir; it was talked about generally.

Q. Although you can not now give the name of a single reporter?—A. No, sir.

Q. Wasn't this portion of the article written with a view to impress upon the people—this particular portion of the article of November 7—to impress upon the people in this congressional district that Mr. McLean was the candidate of the liquor interests? (Reading:) "Mr. Bowman has given the liquor interests no provocation. If they aim to defeat him by the liberal use of money, and come out openly in support of Mr. McLean, they are raising an issue with which the candidate for Congress has nothing to do." Wasn't it?—A. I don't understand your question.

Q. Wasn't this portion of the article written with a view to impress upon the people—this particular portion of the article of November 7—wasn't that portion of the article to impress upon the people of this congressional district that Mr. McLean was the candidate of the liquor interests? Wasn't it?—A. The impression intended was that the liquor interests were supporting Mr. McLean.

Q. There are several evening papers in the northeastern part of this county, the most populous part of the county. Your paper, the Wilkes-Barre Record, is the only morning paper published in the northeastern part of the county, in the most populous part of the county?—A. Yes, sir.

Q. What was the circulation of your paper last November?—A. Seventeen or eighteen thousand, I don't remember which. I can't remember.

Q. Then the only other morning paper is published in the city of Hazleton?—A. Yes, sir.

Q. Which, while it lies in Luzerne County, still lies in a totally geographic-ally different part of the county from Wilkes-Barre and the Wyoming Valley?—A. Yes.

Q. How far is it from Wilkes-Barre to Hazleton?—A. About 30 miles, I think.

Q. And between Wilkes-Barre, or the Wyoming Valley and Hazleton, and that district, there is a railroad—several railroads running, are there not?—A. Yes, sir.

Q. There is a very small population between those two towns until you reach Hazleton?—A. Very small; yes.

Q. And Hazleton is the center of another community, isn't it?—A. Yes, sir.

Q. I believe that Hazleton is the next most populous city to Wilkes-Barre in the county, isn't it?—A. I think Nanticoke comes higher than Hazleton.

Q. Is that a city?—A. No, sir; it is a borough.

Q. And again, Mr. Gierling, your paper is the only morning paper which circulates in a populous—in a population of about 200,000?—A. Yes.

Q. Making up the largest part of this?—A. It is the only local paper.

Q. I mean the only local paper. Making up the largest part in population and in point of territory of the congressional district that Mr. McLean and Mr. Bowman were rival candidates?—A. Yes, sir.

Cross-examination by Mr. JONES:

Q. Now, you have detailed your reasons for writing this article of November 7. Now, after its publication did Mr. McLean, or anyone in his behalf, come to you or to the Record office with your knowledge, and asked that it be denied or retracted?—A. No.

Q. Did anyone on behalf of the Retail Liquor Dealers' Association, of Luzerne County, send to your office, to your knowledge, or come there asking that the article be denied or retracted?—A. No, sir.

Q. On December 28, some seven or eight weeks after the election, you met McLean?—A. Yes, sir.

Q. Where did you meet him?—A. In the Record office.

Q. Did he come there?—A. Yes, sir.

Q. Did he come there particularly for the purpose of talking to you about the article that you had written?—A. I think he did.

Q. Was that the first you had ever heard officially from Mr. McLean or any of his agents relative to that article?—A. That is the first.

Q. And at that time he told you that the article which appeared on November 7, was not so?—A. Yes; he stated that it created a wrong impression.

Q. And he asked you if you would be willing to set it right?—A. Yes.

Q. Which you did editorially on the following day?—A. I told him that I would very willingly do it.

Q. If anyone had come to you on November 7, or November 8, the day of election, for Mr. McLean, and asked you to correct that article, would not you just as willingly have done it?—A. Certainly. If we publish anything wrong we would be willing to correct it.

Q. And at the first request from Mr. George McLean you say you did so?—A. Yes.

Q. How long did Mr. McLean remain in your office on December 28?—A. Probably 15 minutes.

Q. What was the apparent condition of his health at that time?—A. He appeared to me just about as he does now.

Q. Seemingly in good health?—A. Yes, sir.

Q. Did he tell you that he contemplated an election contest?—A. No, sir.

Q. He did not?—A. No, sir; he did not.

Q. You say that prior to the coming in of Mr. Davis that evening some of the reporters on your paper had been talking in the office, or in the room adjoining the office, about an indorsement or approval of Mr. McLean's candidacy by the Liquor Dealers' Association?—A. Yes, sir.

Q. And that was the first knowledge that you had of it?—A. Yes; that was the first.

Q. Did you see, on the evening on which that article was published, to wit, November 7, an article in the Times-Leader, one of the evening papers of this city, a Democratic newspaper?

Mr. LENAHAN. This is objected to and asked to be stricken out. The Times-Leader does not claim to be a Democratic newspaper, and we object to the counsel interjecting that as a part of the facts.

Mr. JONES. We intend to show that.

Mr. LENAHAN. If counsel wants to show that, let him go on the stand and testify. The Times-Leader don't claim to be a Democratic paper. Its policies are independent—not run in the interest of any gang or machine.

(Question read to the witness.)

Did you see, on the evening on which that article was published, to wit, November 7, an article in the Times-Leader, one of the evening papers of this city, a Democratic newspaper?

MR. LENAHAN. We ask to have that stricken out of the testimony of counsel any statement that the Times-Leader is a Democratic paper, as he knows full well that the Times-Leader has never professed for the last three years to be a Democratic paper. In fact, it has never professed it, but, on the contrary, supported the Keystone Independent ticket last fall.

MR. JONES. That is your whole objection to that question so far, is it. Mr. Lenahan?

MR. LENAHAN. Yes.

Q. Now, Mr. Glering, did you see, on the evening on which that article was published, which was November 7, an article in the Times-Leader, one of the evening papers of this city, a Democratic newspaper, any article relative to Mr. McLean being backed by the liquor interests in this county?—A. Yes, sir.

Q. Mr. Fred Kirkendall is one of the owners of the Times-Leader?—A. I understand so.

Q. And he is the editor?—A. Yes, sir.

Q. Mr. Fred Kirkendall was the county treasurer of this county, elected upon the Democratic ticket?—A. Yes, sir.

Q. And he was the mayor of this city, elected on the Democratic ticket?—A. Yes. Either that evening or the following evening the Times-Leader devoted an article—editorial—to the influence of the liquor interests in entering politics.

MR. LENAHAN. This is objected to because the article has not been produced, and the article about which the witness testified, the date on which the said article is claimed to have appeared in connection with Mr. McLean being backed by the liquor men. The paper is now produced and shown to him and his counsel, and they are asked to find that statement in the paper, and neither he nor his counsel can find it, although the witness swore that it was in the sheet.

MR. JONES. This is objected to as being a speech on the part of counsel for the contestant. There is no evidence in this case to show what he has stated.

Q. Mr. Glering, I ask you if you saw an article in the Times-Leader, the Democratic newspaper, on the night of November 7, wherein some reference was made to the indorsement of Mr. McLean for Congress by the Retail Liquor Dealers' Association?

MR. LENAHAN. This is objected to until the paper is produced, supplementing my objection with the same statement I made a few moments ago upon the record about the testimony of this witness.

Q. Did you reply whether you saw it that night?—A. I am not positive to the date.

Q. We will have all the files of the Times-Leader. You were not a newspaper reporter?—A. No, sir.

Redirect examination by MR. LENAHAN:

Q. Mr. Glering, I will have a question reread to you.

(Question read being as follows:)

"MR. Glering, did you see, on the evening on which that article was published, which was November 7, an article in the Times-Leader, one of the evening papers of this city, a Democratic newspaper, any article relative to Mr. McLean being backed by the liquor interests in this county."

Now, I show you the issue of the Times-Leader of the date you have testified here with reference to seeing the article in there about Mr. McLean being backed by the liquor men. Run it over and show me where that article is, will you?

(Witness referring to newspaper.)

MR. JONES. It is the leading article on top of page 3.

MR. LENAHAN. One moment please. I am examining this witness.

MR. JONES. But you are not cross-examining your own witness, are you?

MR. LENAHAN. No. He is not my witness. The rapidity with which he answered your questions shows whose witness he is.

A. Yes, sir; this is the article.

Q. Read it, will you? Read the article wherein it says that the liquor interests are backing McLean. We will get to the Tener article after a while. I want to see what reference you make to that in your paper.—A. The one here says, "It is said they indorsed the Democratic nominee for Congress."

Q. Read what is before that.—A. (Reading:) "Naturally they indorsed Tener and the Republican State ticket."

Mr. JONES. Who?

A. (Reading:) "An unusual factor has entered the present campaign in the shape of open brewery affiliations with the Republican machine. Some of the local brewery offices look like political headquarters these days. They have cut loose from all traditions of past campaigns and are now clearly indicating the hold they have long claimed on the political situation was evidenced at a meeting of the entire liquor interests of the valley last evening at Concordia Hall. This organization is known as the Liquor Dealers' Association. Naturally they indorsed Tener and the Republican State ticket. It is said that they indorsed the Democratic nominee for Congress."

Q. Is that all you saw with reference to the liquor interests indorsing McLean?—A. That is all I can remember.

Q. You practically said it in your paper in the morning's issue, did you not? This was an afternoon issue? You practically said that in your paper?—A. Yes, sir.

Q. And after that article appeared in your paper it was said on the streets here—common talk—that the liquor interests had indorsed Mr. McLean?—A. I heard nothing on the streets that I can remember.

Q. You heard it from people afterwards, didn't you?—A. There was some enthusiasm in Mr. McLean's favor.

Q. You heard that?—A. That evening; yes, sir.

Q. And this was entirely true, after your article appeared in the morning, when the Times-Leader said: "It is said that the liquor interests had indorsed McLean." That was the truth, wasn't it? After your article appeared in your paper that it was said that the liquor interests had indorsed Mr. McLean?—A. Personally, I didn't hear anything.

Q. Wasn't it said, after your article, wasn't it said that the liquor interests had indorsed McLean?—A. I heard nothing.

Q. Is there a word of falsehood in reference to Mr. McLean in that statement in the Times-Leader where it is said that Mr. McLean was indorsed by the liquor interests?—A. I think not; unless you take the whole article.

Q. Take the whole article and tell me where the whole article shows anything to support you—where it shows anything except the indorsement of Mr. Tener for governor.—A. The inference is that the liquor dealers indorsed the whole thing—the Republican State ticket and the Democratic State ticket for Congress.

Q. Pick out a single piece—pick out of that article where the inference is that they indorsed McLean.—A. The whole tenor of the article.

Q. Pick out a single passage or passages—you are a newspaper man, an intelligent man—that will lead any man to think that that is there.—A. "It is said that they indorsed the Democratic nominee for Congress." I think that, in the minds of a great many people, that would create that impression.

Q. That is all you can find about the inference?—A. That I can recall.

Q. And it was an inference based upon a statement that you yourself put in circulation through your paper?—A. I couldn't say that it was based on that.

Q. So far as you know it was the article that you put in your paper that it was based upon?—A. I really don't know anything about that.

Q. I am asking your opinion, Mr. Giering; is that true or false?—A. I can't say.

Q. And your paper did have an article, before this issue came out in the afternoon, practically stating that the liquor interests had indorsed McLean?—A. Yes.

Q. And that article was put in at the instigation of Jonathan R. Davis?—A. Yes, sir.

Q. Mr. Giering, do you say that the politics of the Times-Leader are Democratic?—A. I couldn't say just what its politics are.

Q. They claim to be independent, don't they?—A. When they began publication it did.

Q. And they have followed an independent line since, practically, politically?—A. They supported the Keystone ticket last year.

Q. They supported the whole Keystone ticket, didn't they?—A. Yes.

Q. You say that Mr. Kirkendall is a Democrat; you have testified to that?—A. I testified he was elected as a Democrat.

Q. Who is the owner, the other owner of the paper, with Mr. Kirkendall?—A. I know nothing about the business management.

Q. You have given Mr. Kirkendall's interest with it; tell me who is the other gentleman who is part owner.—A. Mr. Smith, I understand, is part owner. He is connected with it.

Q. You understand that Smith is part owner?—A. Yes, sir.

Q. And you know that Mr. Smith is the editorial writer on that paper, isn't he?—A. I understand that both of them write editorials.

Q. Mr. Smith has always professed to be a Republican, has he not, individually?—A. I have heard nothing as to his politics.

Q. You don't know his politics?—A. No, sir.

Q. Well, you knew that he was one of the leading men in this locality in the Keystone Party—the independent party in Luzerne County?—A. Yes, sir.

Q. He was the chairman?—A. Yes, sir.

Q. Mr. Giering, did you publish the fact that the liquor men had indorsed Tener for governor in your paper?—A. I don't remember.

Q. I will show you the paper [handing witness paper].—A. No; it was not in that article; no, sir.

Q. In any article before the election?—A. No, sir.

Q. Well, if you were giving news to the public, why didn't you do that?—A. We were not interested in Tener.

Q. You were not interested in the governor fight?—A. No; we were not supporting him or opposing him.

Q. Why didn't you publish the truth about him, then, if you were neutral?—A. I don't know that information was given us.

Q. I will show you this, and ask you if you did not read the Times-Leader on Monday night, the night before election.—A. Yes, sir; I read it.

Q. I will read it to you—some of it [reading]: "Brewery offices look like banking houses, giving money for Tener. Individual votes are the blows that will count to-morrow to kill the most corrupt political gang in the United States. Redeem Pennsylvania from the throttle hold of Peurose and the special privileges." Why didn't you publish that the liquor men were paying out money for Tener, if you were anxious to give full and correct information to the people?—A. We had no knowledge they were paying out money.

Q. But you heard it?—A. We don't print mere rumor.

Q. You printed mere information when Jonathan R. Davis came to you?—A. We considered it authentic information.

Q. You didn't know anything only what some one told you?—A. We considered it authentic information, as he had a representative at the meeting.

Q. But that is only what the representative told him. Was that anything but rumor?—A. It seemed to me to be direct as information could be.

Q. You didn't ask him who the representative was?—A. No, sir; I did not.

Q. And did you attach any truth to the statement that Jonathan R. Davis gave you?—A. Yes.

Q. You did?—A. Yes.

Q. Why didn't you attempt to find out who the representative was?—A. I thought it immaterial.

Q. You didn't care?—A. Yes, sir.

Q. You didn't care so long as you could slash McLean?—A. No, sir; unless it was something in the nature of the truth.

Q. In the nature of the truth?—A. Yes.

Q. Was this article in the Times-Leader about the brewery interests supporting Tener for governor in the nature of the truth?—A. I can't say.

Q. Don't you know, as a man familiar with public affairs, that it was common rumor on the streets for several weeks before election that the liquor interests were going to support Tener for governor, because Mr. Barry was a temperance man?—A. Yes, sir; it seems to me that I heard rumors to that effect.

Q. Why didn't you publish that, if you wanted "to be fair," in the language of my friend, Bowman?—A. We had no interest in the campaign of Mr. Tener at all.

Q. No interest in the campaign at all; is that right?—A. Yes.

Q. You publish a paper for the purpose of keeping the public informed as to public affairs, don't you?—A. Yes.

Q. Wasn't it a matter of great importance to the people how the candidate for governor stood and what interests were back of him?—A. Those were mostly local interests. The governor is supposed to stand for the general interests.

Q. I am not asking you that. Wasn't it of great interest to the people in your community among whom your paper circulates, that they should know how the candidate for governor stood, who he was, and who was back of him, and what interests were back of him?—A. Yes, sir; I would think so.

Q. Then don't you think you should have published what was common talk upon the street about who was back of Mr. Tener, especially when you published an article referring to Mr. McLean as to who was back of him? Don't you think so?—A. It might appear to some, yes; but we washed our hands off the Tener campaign entirely, and had nothing to do with him, and took no interest in his campaign whatever.

Q. You didn't wash your hands in the Tener pool, did you?—A. No.

Q. You have said in response to Mr. Jones's question, that if Mr. McLean had sent you an article setting forth that this article reflecting upon him in so far as his indorsement by the liquor people was concerned, and he denied that he was so indorsed by them, that you would have published a retraction?—A. Yes, sir.

Q. Did Mr. McLean send to your office during the campaign an article in which he asked you to retract an article that you had in your paper, and did you refuse to do it?—A. I don't remember.

Q. I show you, Mr. Giering, an article in your paper of November 5 [reading] "Campaign closing. Bowman's acceptance of challenge not given attention. Other notes." I ask you who wrote that?—A. I can't recollect who wrote that article.

Q. As editor you have charge of all the news that goes into that paper, don't you?—A. No, sir.

Q. Under whose supervision is it?—A. Under the supervision of the city editor.

Q. Who is he?—A. Mr. Fisher.

Q. That is not a city article?—A. Yes, that is a political city article.

Q. In that article in which I am now calling your attention to for the purpose of reading, your statement is that you would have withdrawn your statement of November 7, about Mr. McLean, if you were asked to do it? I read to you from this article, this portion of the article as it appears on November 5, as follows [reading]: "It has also come to light that a desperate attempt is being made to discredit Mr. Bowman in the estimation of the foreign element. The Record man was told yesterday that it is intended to circulate a vicious circular in the last hours of the campaign. It is a falsehood from the beginning to the end. There will be some interesting times if that circular is issued. Mr. Bowman has a trump card up his sleeve that will make it decidedly uncomfortable for his tricky opponents. Let them try their dirty work if they dare." Who wrote that article?—A. I can't say who wrote that article.

Q. It appears in your paper, don't it?—A. Yes, sir.

Q. Were you not asked to retract that article, as it was untrue?—A. I can't remember. I don't think I was personally asked; I don't remember.

Q. You are the editor of the Record?—A. Yes.

Q. Look at that [handed paper] and see if that letter was not sent to you, or a letter of which that is a copy, the same date that this appeared in your paper?—A. It may have been sent to me, but I don't remember it.

Q. Read it; I want it on the record?

Mr. JONES. Object to its going on the record, unless it properly put on by the man who sent it, or by the man who received it.

Q. Read it, will you, please?—A. Yes. [Reading.] "November 5, 1910. Editor Record: If there be truth in your article in to-day's issue, that a vicious circular will be circulated about Mr. Bowman in the last hours of the campaign, please give me definite information thereon at once, and my friends and I will aid in every way at command to suppress such despicable action. We all know that articles, like yours of to-day, are favorite last cards played by candidates who desire to work a little sympathy in their interest. I am attributing to your article higher motives, and will sincerely and heartily join you in attempting to ferret out those who would try to do Mr. Bowman injustice, either as to his character or reputation."

Q. Did you publish that in your paper?—A. I don't remember seeing it.

Q. I want you to go over your papers and tell me whether you published that before or after election, especially before the election. I want a positive answer from you as to whether that letter sent to the editor of the Record by Mr. McLean was published in the Record.—A. It may have been; but I can't recall.

Q. I want you to be in a position to give me a definite answer to that now. Mr. Giering, I will show you the Leader again and show the article to you—you say you read the article—the article that you read the following from this paper in that article [reading]: "This is a deliberate falsehood, and Soup

House knows it. As soon as his opponent, George R. McLean, sent this letter to the Record and Soup House was not decent enough to publish it or apologize for what it had said. Mr. McLean's manly letter was as follows." You know that if you read that article that the Record did not publish that letter of Mr. McLean, didn't you?—A. Yes; if I read that article.

Q. You say you read it?—A. I thought you referred to the circular.

Q. Look at the article.—A. There is so much that I read during the campaign that it is hard for me to keep those things in my mind.

Q. But this is something bearing upon the standing of the Record.—A. I might have read it, but I don't remember.

Q. If you read it, you saw that your paper refused to publish it?—A. Yes.

Q. Then, why didn't you publish it?—A. I remember nothing about the incident; I can't recall it.

Q. This article is in the issue of the Times-Leader of November 7, in which, among other things, it quotes the letter you have read here from Mr. McLean to the editor of the Record, and in which it further says that the Record refused to publish this letter of Mr. McLean's. Isn't that right—the 7th?—A. Yes.

Q. Do you know who wrote that article in the Record that was referred to in the Times-Leader with reference to the vicious circular being issued against Mr. Bowman?—A. No.

Q. Will you kindly look at your manuscript and tell us at the next hearing, next week, who it was that wrote that article?—A. I don't think that we keep the manuscript over 30 days.

Q. I want you to make inquiries as to who wrote that article. I know who wrote it, but I want to get it from you in the testimony. And also look up the Record of every issue from the time that McLean sent this letter to you as editor of the Record and be prepared to say whether or not, at the next hearing, this letter of McLean's was published in the Record.—A. I will volunteer the statement that I may have written the article myself; but I have written so much that I don't remember.

Q. Did you or the Record charge Mr. Bowman for these articles that appeared for Mr. Bowman and against Mr. McLean?—A. No, sir.

Q. They were written gratuitously?—A. Yes.

Q. With no idea of charging Mr. Bowman for anything?—A. No, sir.

Recross-examination by Mr. JONES:

Q. The letter purporting to have come into your office from Mr. George R. McLean, which has been shown to you by Mr. Lenahan, bears what date?—A. November 5.

Q. You don't recollect of having seen such a letter?—A. I don't recollect it; no, sir.

Mr. LENAHAN. That was Saturday, November 5. The election was on November 8.

Mr. JONES. Yes; and Mr. McLean was sick in bed. Mr. Giering, Mr. Lenahan has asked you whether or not you are not the editor of the Wilkes-Barre Record.—A. Yes.

Q. And if you didn't supervise the articles before they were published. Is that a part of your duty?—A. No, sir.

Q. Upon whom does that devolve?—A. The city editor.

Q. When you say the city editor you don't mean the man that takes charge of all the articles just pertaining to the city?—A. No; all articles of news.

Q. That is a distinct office in every newspaper, isn't it?—A. Yes.

Q. And he has full charge and supervision of all the news items?—A. Yes, sir.

Mr. LENAHAN. Who was that gentleman?—A. Mr. Fisher.

Q. Where is he working—on the Record now?—A. Yes, sir.

Q. He still occupies the same position?—A. Yes.

Q. What is his first name?—A. Patrick.

WILLIAM P. JENNINGS, called on behalf of the contestant, sworn by Commissioner Turner.

Q. Mr. Jennings, where do you live?—A. Pittston.

Q. How long have you lived in Pittston?—A. About seven years.

Q. Where did you live before you came to Pittston?—A. I lived in Scranton.

Q. What is your occupation?—A. District superintendent.

Q. Of what—a coal mine or a Sunday school? You said you were district superintendent. Of what?—A. Coal mines. I will tell if you will wait until I get through.

Q. Of what coal mines?—A. The Pennsylvania Coal Co. and the Hillside Coal & Iron Co.

Q. They are practically the one, are they not?—A. No; they are two separate organizations.

Q. They are two separate organizations, but are under the control of the Erie, aren't they?—A. Yes.

Q. So that they are practically under the same management?—A. Yes, sir.

Q. To wit, the Erie?—A. Yes,

Q. Where do you live in Pittston?—A. 104 Williams Street.

Q. What collieries are under your superintendence?—A. I have the Butler Colliery, the Ewan Colliery, and No. 6 Colliery.

Q. How many men have you under your employment?—A. I don't know how many men, but I have about—

Q. I mean hands. How many hands have you under your employment?—A. I have about 3,500 hands.

Q. I believe you received some money from Mr. Bowman?—A. Yes.

Q. To help him in his political fight; is that right?—A. Well, not exactly that.

Q. What was it, exactly, if not that?—A. I received the money from him after the election.

Q. You received some money after the election?—A. Yes, sir.

Q. What was that money for?—A. I received it in the form of a check.

Q. What was it for?—A. Money I spent.

Q. You spent money for him?—A. Yes, sir.

Q. How far do you live from him?—A. Across the street. We are neighbors.

Q. You talked to him before election about helping him?—A. Yes; the day before election.

Q. Mr. Bowman has testified here, if I recall his testimony, that he told you to spend what you thought was necessary for him; is that right?—A. I don't know that he told me that.

Q. Do you say that he didn't tell you that?—A. I don't know.

Q. Do you say that he didn't tell you that?—A. I don't know that he told me that.

Q. Will you answer my question? He has testified to that here himself. Do you say he didn't tell you that?—A. I can't answer yes or no on that.

Q. Did he say anything to you at all about expending money for him?—A. I don't recollect that he did.

Q. You had a talk with him before election about helping him, did you not?—A. I think that I had a talk with him; yes, sir, before election.

Q. You remember that, don't you?—A. Yes, sir.

Q. Just tell what he said there?—A. I simply told him that I would do what I could for him.

Q. You simply would do what you could for him?—A. Yes, sir.

Q. What else did you say to him?—A. That is all.

Q. Is that the only time that you talked to him about election?—A. I talked to him on the morning of election.

Q. Here was Mr. Bowman, a neighbor of yours, whom you probably met every day. Is that you talked to him about election?—A. Yes.

Q. How often a week would you meet him?—A. I was away before election.

Q. How often a week would you meet him? That is, on an average?—A. I wouldn't meet him once a week.

Q. You say you never spoke to him about election until the morning of election?—A. I told you once before the election.

Q. How long before?—A. I think the day before election, or the night before election.

Q. Where was that talk?—A. I think that it was over in his house.

Q. Over in house. You went over to see him?—A. Yes.

Q. About the election?—A. Yes; I went over to see him about the election.

Q. How long were you with him talking about the election?—A. Three or four minutes.

Q. Tell us what you said in that three or four minutes that you were talking about election the night before election, besides what you have testified to.—A. I can't recollect.

Q. You knew that it was going to cost you something to take a hand in the matter, didn't you?—A. No.

Q. You had no idea of spending any money at all from your talk with him, had you?—A. Well, I didn't have any idea of spending any money until the next day.

Q. You had no idea in the talk you had with him of spending any money for him? That is, the night before election, when you went to see him?—A. Well, yes; I had an idea.

Q. And then you expressed that idea to him?—A. In saying I would do what I could.

Q. Didn't you express it in terms that would convey to him the idea you did have of spending money for him?—A. No, sir.

Q. Now, I will put the question again to you: Then didn't he say to you that you should spend what you deemed was necessary for him?—A. I don't remember that.

Q. You don't remember that, do you?—A. No, sir; I don't.

Q. Now, you turned in a bill to him of \$26 that you spent in his interests in the election?—A. Yes, sir.

Q. Tell us now to whom you gave that money?—A. I gave \$15 to Patrick Kelly.

Q. Patrick Kelly?—A. Yes.

Q. Who is Patrick Kelly? What is his occupation?—A. He is a man occupied by the miners.

Q. What is his occupation?—A. He is a check weighman.

Q. Where does he live?—A. In Inkerman.

Q. That is near the city of Pittston?—A. Yes, sir.

Q. And you gave this man \$15 for Mr. Bowman to do work in Inkerman, did you?—A. Yes.

Q. The mine superintendent of the Hillside Coal & Iron Co. and the Pennsylvania Coal Co. gave \$15 to that man?—A. Yes.

Q. What time of the day did you give him that money?—A. About noon.

Q. What time did he leave his work to go to the polls?—A. I don't know that.

Q. About what time?—A. I don't know.

Q. What did you say to him when you gave it to him?—A. I sent it to him; I didn't give it to him.

Q. You gave it to him. By whom did you send it to him?—A. By a messenger.

Q. Who was the messenger?—A. I don't know now; I think that it was the office boy.

Q. Who was the office boy? Tell us who he was. We want to get at this thing, Mr. Jennings. Tell us who he was.—A. Well, I don't know.

Q. What is that?—A. Wait till I see. I sent it either with the office boy or the foreman. The office boy's name is Jones.

Q. Tell us who the foreman is?—A. Thomas Monahan.

Q. You sent \$15 with one or the other—either your foreman or the office boy?—A. The outside foreman or the office boy.

Q. With one of your foremen or the office boy?—A. Yes.

Q. How did you send it to him, in an envelope?—A. Yes.

Q. What accompanied that \$15?—A. Nothing.

Q. No instructions?—A. No, sir.

Q. Nothing whatever?—A. No, sir.

Q. Did you say anything to this gentleman—Mr. Kelly—before you sent him the money?—A. Yes, sir.

Q. When?—A. In the morning.

Q. Where?—A. I went to his place of work.

Q. While this man was working for your company?—A. No, sir.

Q. What company is he working for?—A. He is the miners' check weighman.

Q. What company's premises does he work on?—A. He works on the company's premises, but he's employed by the miners.

Q. The company employs one man and the miners employ another man? Isn't that so?—A. Yes, sir; that is so.

Q. For what purpose?—A. He is a check to the docking boss. The term is wrong.

Q. The miners employ a man and the company employs a man, and these two men are appointed there for the purpose of ascertaining and agreeing upon how much clean coal is in a car that comes out of the mines? Is that not right?—A. That is right.

Q. What is the purpose for which he is employed?—A. Yes.

Q. What are his hours? The miners are paid according to that agreement—the agreement of the check weighmen?—A. Yes.

Q. How many hours do the checkmen work?—A. Nine hours.

Q. From what time to what time, Mr. Jennings?—A. About 7 until half past 4.

Q. And the superintendent of the coal company sent to this man who was supposed to have influence with the miners because his declaration as to how much clean coal might be in the car—you sent him \$15?—A. Yes, sir.

Q. You had talked to him that morning, did you?—A. Yes.

Q. What time in the morning?—A. Half past 10.

Q. What did you say to him?—A. I don't remember what I said.

Q. Tell us as nearly as you can. You remember it—of course you do—because you all have the same song when you go to the poor devil who works under you?—A. I want you to understand that man didn't work under me.

Q. That is all right about that—A. His position is antagonistic to the company.

Q. That is all right about that. His position is antagonistic to the company; it is supposed to be; yes. Now answer the question. Tell me what you said to him.—A. There was nothing particular said to him. I think there were three or four of us in the office.

Q. I know what you said to him particularly or generally.—A. There were three or four of us in the weigh office together talking politics.

Q. What did you say to him?—A. I said that I thought that Mr. Bowman ought to be our Congressman, because he is a man from our town. And he volunteered to go out and work that afternoon, and would go out to work—he didn't say the time—if he was paid for it.

Q. He said that he would go out and work for him if he was paid for it?—A. Yes.

Q. He wasn't from your home town. Inkerman isn't your home?—A. No, sir; it is practically the same thing.

Q. Then he wasn't from your town?—A. It is the same thing.

Q. But it lies between Wilkes-Barre and Pittston?—A. Yes.

Q. Then he was not from your home town, was he?—A. Yes; I would say he was.

Q. He is not in your municipality, is he?—A. In the same neighborhood.

Q. But he lives between Wilkes-Barre and Pittston?—A. Yes; between would be half way; they call that Inkerman.

Q. What would be betwixt if between is half way?—A. I don't know.

Q. You know that Inkerman is between Wilkes-Barre and Pittston?—A. Yes; it is close to Pittston; it is closer to Pittston.

Q. The Pennsylvania Coal Co.—you are superintendent over 3,500 hands, you say?—A. Yes.

Q. And "between" you always understood meant half way? When you say between "two ways" that means half way? Is that what you mean?—A. I will have to look up the dictionary and get the definition.

Q. You can't tell without looking up the dictionary?—A. No.

Q. Is that all you said to Mr. Kelly?—A. Yes.

Q. And then did you agree upon the amount of money that you were to send them?—A. No, sir.

Q. How far was the place where he worked from Inkerman?—A. About three-fourths of a mile.

Q. Did he work—was the place where he worked in Pittston City?—A. I don't know.

Q. What are the works?—A. At the Ewen breaker.

Q. Where is that?—A. It is in Port Griffith.

Q. Mr. Jennings, what time in the day did you send the money to him?—A. About noon.

Q. And you sent it to him at noon for—A. That was the time that I got back.

Q. From where?—A. I was around the works.

Q. What time was he to leave the works?—A. I didn't tell him or have any arrangement.

Q. You left that to himself?—A. Yes.

Q. You didn't tell him?—A. No; that was his business.

Q. What time did he leave the works?—A. I don't know.

Q. What does Thomas Monahan do under the company, one of the men by whom you say you probably sent this money?—A. He is a foreman.

Q. Is he an outside foreman?—A. Yes, sir.

Q. At this mine where Kelly was working?—A. Yes.

Q. What are his hours?—A. His hours are all hours.

Q. Where did you give him that money?—A. In my office.

Q. Did you send for him?—A. No; if I sent it by him he happened just to be passing through, and I sealed it up in an envelope. He didn't know what it was or what it was for.

Q. We will see about that. And you inclosed a note in that, did you?—A. No.

Q. How would Kelly know what it was for, the \$15, unless you told your messenger? I understand you told your messenger what to tell Kelly what it was for?—A. I didn't say that.

Q. How did Kelly know what it was for if you didn't tell your messenger to tell Kelly what it was for?—A. I have testified to that.

Q. What did you testify? My memory is real short on that. Tell me what you testified to on that.

MR. JONES. Don't answer the question until he tells you you testified on what.

Q. How did Kelly know what that \$15 was for if you didn't tell the messenger to tell Kelly what it was for?—A. He knew from our conversation prior to that time.

Q. Your conversation in the morning prior to that time?—A. Yes.

Q. Did you at that time promise him \$15?—A. No.

Q. Tell what that conversation was that would indicate to him that you were buying him for \$15?

MR. JONES. This is objected to as not fair; there is no testimony that he was buying him.

Q. That is what it was, under his own testimony. Answer that.

MR. JONES. He didn't say any such thing.

Q. Go ahead and answer question.

(Question read.)

A. I think that I testified that Mr. Kelly said he would work for Mr. Bowman if he was paid for it.

Q. But no price was fixed?—A. No.

Q. You, the mine superintendent, fixed the price at \$15, did you?—A. Yes, sir.

Q. And he didn't demur to it; he took what you gave him?—A. Yes.

Q. Now, Mr. Jennings, you have attempted to account for \$15; tell us to whom you gave the rest of that money.—A. The rest of the money was paid for watchers in Port Griffith.

Q. I am not asking you that. I am not asking you the purpose.—A. It was paid to John Brown.

Q. Who is John Brown?—A. He is a mine foreman.

Q. He is a mine foreman, too?—A. Yes.

Q. Where does he live, or where did he live at that time?—A. He lives—I think he lives in the township of Inkerman.

Q. He don't live in Port Griffith, he lives in Inkerman?—A. Yes.

Q. And you gave him what instructions when you paid him that money? What did you say to him?—A. I asked him to work for Mr. Bowman.

Q. You asked him to work for Mr. Bowman?—A. Yes, sir.

Q. What else?—A. That is all.

Q. Is that all you said to him?—A. Yes.

Q. I understood you to say that you paid it for Port Griffith; is that so?—A. I didn't say that.

MR. JONES. He said that is what it went for.

Q. Read the answer.

(Answer read:)

"The rest of the money was paid for watchers in Port Griffith."

Is that right?—A. That is right.

Q. Then I will ask you the question. Did you pay to your foreman, John Brown, that was his name was it?—A. Yes.

Q. How much money for Port Griffith?—A. Eleven.

Q. What time did you pay him that, what time in the day?—A. About 5 o'clock when he was through with his work.

Q. When he was through with his work?—A. Yes.

Q. Why did you pay him money to spend in a district that he did not live in?—A. I didn't direct the district that he should work in.

Q. You said that you paid him the money to work in Port Griffith?

MR. JONES. No; he says that is what it was used for.

Q. You say that you paid him that money for watchers in Port Griffith; that is what you said, wasn't it?—A. Yes.

Q. Then I will ask you again, Why did you pay that money to use in a district that he didn't live in?—A. I understand that Port Griffith and Inkerman is the same district.

Q. You do?—A. Yes.

Q. Don't you know that Inkerman is a mile away from Port Griffith?—A. They are in the same township.

Q. There is a mile between the two districts, isn't there?—A. No.

Q. How far are they apart?—A. I judge about half a mile.

Q. Now, you say, Mr. Jennings, you have a colliery, you say, at Port Griffith, the Ewen colliery?—A. Yes.

Q. And Brown is one of the bosses in this colliery at Port Griffith?—A. Yes.

Q. And is that why you paid him the money, because of his influence as a boss over the men living in Port Griffith, wasn't it?—A. No.

Q. Who did you tell Brown to go and see with this money?—A. I didn't give him any instructions at all.

Q. You knew that he knew the men to see, didn't you?—A. No.

Q. You gave him a free chart to do with the money as he wanted.—A. Yes, sir.

Q. Did you spend any more money for Mr. Bowman outside of that?—A. No.

Q. And you thought you did pretty well when you invested that \$26 for him, didn't you?—A. I don't know whether I did or not.

Q. You had no thought on it?—A. Yes.

Q. You knew that, didn't you?—A. Yes.

Q. And you knew that money coming from you through the hands it did come, from your mine foreman, would have more effect than if an outside party had paid \$150, didn't you?—A. No.

Q. Just tell me again how many collieries you have under you.—A. Three.

Q. The first is the Ewen?—A. Yes.

Q. That is located at Port Griffith?—A. Yes.

Q. The next is No. 6, located at Inkerman?—A. Yes.

Q. Where is the other located?—A. Dupont.

Q. The sole source of dependence of these people living in these three different districts, where your three collieries are located, is coal. They are all dependent on the mining of coal, aren't they?—A. Yes, sir.

Q. They are all dependent upon the mining of coal?—A. Yes.

Q. And there in your neighborhood where your colliery in Port Griffith is located and where your colliery in Inkerman is located, there is no other coal company operating except your coal company in that locality?—A. Yes, sir; there are.

Q. So that the people of Port Griffith and of Inkerman are solely dependent upon the Hillside Coal & Iron Co., and the Pennsylvania Coal Co., of which you are the superintendent; they are solely dependent upon these companies for their livelihood?—A. No.

Q. What other industry have they?—A. They travel all over the country.

Q. I mean working in that locality; they are solely dependent?—A. If they work there.

Q. And in order to get employment under any other coal company they will have to travel some distance from their homes, won't they?—A. Well, it is not such a straight distance.

Q. And as a neighbor you were interested in his election?—A. Yes.

Q. These two villages, Inkerman and Port Griffith, are in Jenkins Township?—A. That is the way I understand it.

Q. They are in the suburbs of the city of Pittston?—A. Yes.

Q. The village of Port Griffith is very close to the city of Pittston?—A. Between Wilkes-Barre and Pittston.

Q. It is practically up against the city of Pittston?—A. Yes; it is a continuation of Pittston city.

Redirect examination by Mr. LENAHAN:

Q. You don't have to intimidate a man working for you when you ask him to vote? You don't have to use that language indicating intimidation? Answer that. Can you answer that?—A. I don't know.

Q. You don't know whether you do or not?—A. No.

Q. You read the papers, don't you?—A. Some of them.

Q. You read the continual complaints that follow the elections—you have read the continual complaints that appear in the independent newspapers of Luzerne County against the action of the mine bosses in intimidating the work-

men under them into voting their way? You never read that, did you?—A. No; I don't read any papers in this county but the Pittston Gazette.

Q. You don't find anything reflecting on the Republican Party in the Pittston Gazette, do you?—A. No, sir; I don't think I do.

Q. Because the editor of that paper was for eight years the postmaster of the city of Pittston?—A. I don't know.

Q. You don't know that Mr. Peck was postmaster—the editor of that paper?—A. I knew that he was postmaster.

Q. You knew that he was postmaster, but how long you didn't know?—A. No. (Hearing adjourned until 1.30 p. m.)

A. E. WILLIAMS, called on behalf of the contestant and sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Mr. Williams, you live in Plymouth?—A. Yes, sir.

Q. You took a very active part in the last political campaign, did you not?—A. Well, I don't know that you would call it active. I done what I could.

Q. Mr. Williams, I wish you would go and tell me what moneys you paid out in that campaign and to whom you paid it?—A. Not any.

Q. You didn't pay out a cent?—A. No, sir.

Q. To anyone?—A. No, sir.

Q. And did you solicit anyone?—A. I only asked my friends as I met them.

Q. What did you say to them?—A. I asked them to support Mr. Bowman for Congressman.

Q. Is that all you said?—A. We talked over the general campaign.

Q. Did you go to any of these orders, or what you call the orders, and tell them that George McLean was the candidate of the liquor interests, or words to that effect?—A. No.

Q. Do you know John P. Edwards?—A. I believe I did speak to John P. Edwards; yes, sir.

Q. John P. Edwards was told by you that Mr. McLean was the candidate of the liquor interests?—A. Yes.

Q. And you knew that he had strong views, that Mr. Edwards has strong views on the liquor question?—A. Yes.

Q. Did you contribute any money to the campaign?—A. No.

Q. Directly or indirectly?—A. No.

Q. Have you got your check book or your bank book here?—A. No.

Q. Please bring them at the next hearing, will you?—A. Yes.

JOHN C. LEWIS, called and sworn on behalf of the contestant, and sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Mr. Lewis, where do you live?—A. Plymouth.

Q. Plymouth Borough?—A. Yes.

Q. What is your business?—A. Hotel keeper.

Q. How long have you been in the hotel business?—A. Four or five months.

Q. Did you go there since election?—A. Yes, sir.

Q. What was your business before that?—A. Health officer of the borough of Plymouth.

Q. You were employed by the borough of Plymouth as a health officer?—A. Yes, sir.

Q. How long had you been occupying that position?—A. Three years.

Q. I believe you got some money in the last political campaign?—A. Yes, sir.

Q. How much did you get?—A. \$150.

Q. When did you get it?—A. A few days before election.

Q. About how many days before election?—A. I couldn't say exactly; two or three.

Q. Where did you get this money?—A. In my hotel.

Q. In your hotel?—A. Yes.

Q. Who paid it to you?—A. Frank Williams.

Q. F. E. Williams?—A. Yes.

Q. Wasn't anyone with him?—A. No, sir.

Q. Had you any talk with him previous to his bringing you that money?—A. No.

Q. He came in and gave you \$150?—A. Yes; in an envelope.

Q. And what did he say to you?—A. That it was sent to me by Mr. Jonathan R. Davis.

Q. Jonathan R. Davis?—A. Yes, sir; for the campaign.

Q. Was the envelope closed, sealed?—A. Yes, sir.

Q. Did you open it?—A. Yes, sir.

Q. Was there anything in it but money?—A. That is all.

Q. What denomination were they?—A. Some bills; fives and tens.

Q. Twentys?—A. I don't think so.

Q. There was nothing in the envelope but the money?—A. Yes.

Q. Is that all that Williams told you?—A. That it was sent to me through him. He handed me the envelope.

Q. All that he said that it was sent to you through him from Jonathan R. Davis?—A. Yes.

Q. Had you seen Jonathan R. Davis before about it?—A. No.

Q. So there will be no mistake, you never saw Jonathan R. Davis about this matter before the money was handed to you?—A. No.

Q. And the money was handed to you in an envelope?—A. Yes.

Q. Did F. E. Williams tell you how much was in it?—A. He said there was \$150.

Q. \$150?—A. Yes.

Q. All he said "here is \$150 from Jonathan Davis for you"?—A. For to use for the campaign.

Q. And nothing else?—A. No.

Q. That was the only instruction that he gave you?—A. Yes.

Q. Did you put that money in the bank?—A. No.

Q. Just tell what you did with that money?—A. I gave C. H. Marks \$50.

Q. Who was Marks?—A. Attorney Marks, for the township.

Q. Did you give Marks \$50 to use in Plymouth Township?—A. Yes.

Q. Mr. Marks was holding a position in Wilkes-Barre at that time under the Republican Party in the courthouse, wasn't he, in the recorder's office?—A. Yes; I believe so.

Q. Also he was an attorney?—A. Yes.

Q. And he was paid by the county for his work there in the courthouse?—A. Yes.

Q. Now, how long after you got that money did you give him that \$50?—A. A day or so before election, one or two days; I am not positive.

Q. And this money was sent to you from Wilkes-Barre?—A. Yes.

Q. And Mr. Marks, himself, his business calls him here to the county seat, which is the city of Wilkes-Barre, every day?—A. Yes, sir.

Q. When he got off his car, if he came up in the car from Plymouth, he would pass the Second National Bank where Jonathan R. Davis had his office, would he not?—A. I couldn't tell you that.

Q. He would come up Main Street?—A. Yes, sir.

Q. And when he got off at the square he would have to come around the square, and the usual way would be to go out West Market Street?—A. Yes.

Q. And if he did that he would pass the Second National Bank Building?—A. Yes.

Q. So that he would pass the building that Jonathan R. Davis's office was in every day?—A. Of course, I couldn't tell the way that he went.

Q. That is the natural and ordinary way of going to the courthouse from Plymouth, unless you go around the long way, which he probably didn't?—A. Yes, sir.

Q. Where did you see Mr. Marks the next day when you gave him that money?—A. At the same place.

Q. Did he come in to see you?—A. Yes.

Q. Did you send for him?—A. No; he generally called there evenings.

Q. He would drop in there evenings?—A. Yes.

Q. He called in the evening, after he got through with his work in Wilkes-Barre and went to Plymouth?—A. Yes.

Q. And you had no talk with him about the money until he came in and got it?—A. Yes.

Q. Where was that, in the barroom?—A. I took him in the adjoining room.

Q. Was there anyone in the barroom at that time?—A. The bartender.

Q. And you took him into a side room?—A. Yes.

Q. Why didn't you give him the money in the barroom?—A. I took him into a side room and gave it to him.

Q. Why didn't you give it to him in the barroom?—A. I don't know.

Q. Yes; you do. Why didn't you give it to him there?—A. I couldn't give any reason.

Q. You gave it to him secretly in the side room?—A. Yes; to use for that purpose.

Q. Did you tell him before you took him in there what you wanted of him?—A. Yes.

Q. You whispered it to him?—A. No.

Q. Tell us what you said to him. Did you tell him how much he would need before you took him in?—A. I told him I wanted to see him.

Q. That is all that you said?—A. Yes.

Q. And when you got him inside you gave him the \$50?—A. Yes; and told him to do what he could for Mr. Bowman.

Q. And you told him that money was given to him to use for Bowman?—A. Yes, sir.

Q. To get votes for Mr. Bowman?—A. Yes, sir. I gave him \$10 or so afterwards.

Q. To whom did you give the next money?—A. Him.

Q. To Marks?—A. Yes.

Q. You gave him how much?—A. \$60 altogether—\$50 at this time and \$10 at another time.

Q. That was to be used in Plymouth Township?—A. Yes.

Q. He didn't live there; he lived in the borough?—A. Yes.

Q. What disposition did you make of the other money?—A. I gave \$40 to Morgan B. Lewis.

Q. Who is he?—A. Mine foreman at Avondale.

Q. For what company?—A. For the D. L. & W.

Q. Where does he live?—A. Center Avenue.

Q. In the borough of Plymouth?—A. Yes.

Q. You gave him that money to use in Avondale?—A. It was immaterial to me. I told him to do what he could for Bowman; it made no difference.

Q. You told him where to use the money?—A. Yes.

Q. Where did you tell him?—A. I didn't tell him. I thought he knew better where to use it than I did.

Q. You knew, as a mine boss, that he knew where to use it?—A. I supposed that he did.

Q. You knew that, didn't you?—A. That was up to him; not to me.

Q. You gave him that money to use for Bowman?—A. Yes, sir; I did.

Q. And you didn't care especially in what respect he would use it if he used it to get votes for Bowman?—A. That was the idea exactly.

Q. Who was the next one?—A. Gwilliam C. Lewis.

Q. Where does he live?—A. On Davis Street.

Q. Where?—A. In the borough of Plymouth.

Q. What is his business?—A. He is a miner.

Q. Where does he work?—A. In the Gaylord colliery.

Q. Who is his boss?—A. George Bowns.

Q. How much did you give him?—A. I gave him \$10.

Q. You didn't give the miner as much as the mine boss?—A. No; he couldn't deliver the goods.

Q. You knew that when a mine boss bought a fellow he stayed bought?—A. That is up to him.

Q. What is your opinion about it?—A. I have no opinion on the subject.

Q. I will put the question to you again: You believe that when a mine boss bought a man he was more certain than the ordinary man?—A. I have nothing to say; it was up to him.

Q. Then why did you give the mine boss more than the miner?—A. I thought he knew more that could turn out the goods; he would be able to get them to deliver the goods.

Q. You mean that he could hold them better?—A. That is up to him, the holding of them. I did the best I could to deliver the goods.

Q. You did the best that you could to get results for that money?—A. Anywhere at all; just so he could get them on the job.

Q. And the results were good?—A. Anything at all, so I could get them honorable, you know.

Q. And the results were good, weren't they?—A. The results were very well. I am satisfied.

Q. You know Avondale; you are pretty familiar with that district, are you not?—A. No. I know some of them.

Q. You know that is a Democratic district?—A. Democratic sometimes.

Q. And you did so well there, didn't you—the mine boss that you gave \$40 to' for Avondale did so well that they beat McLean nearly 4 to 1 in a Democratic district; did you know that?—A. Well, anyone changes sometimes. There is a landslide occasionally. That was a Democratic landslide at Avondale.

Q. Let us hear the rest.—A. Richard Lewis, \$5.

Q. Is he a miner or laborer?—A. He is a paperer.

Q. Where does he live?—A. In the eleventh ward of the borough of Plymouth.

Q. Who else did you give it to?—A. Daniel Jones, \$10.

Q. What does he do?—A. He is a miner.

Q. He is not a mine boss?—A. No, sir.

Q. Where does he live?—A. He lives in the ninth ward of the borough of Plymouth.

Q. Who else did you give it to?—A. Edward Fletcher.

Q. What does he do?—A. He is on the ice wagon.

Q. He is a laborer?—A. Yes.

Q. You gave him \$5?—A. Yes.

Q. Who else?—A. Fellow by the name of Flynn.

Q. Before you come to Flynn we will discuss Fletcher. Where did you meet him?—A. At my place; he lives behind me.

Q. Did you send for him?—A. No; he came in.

Q. What did you tell him?—A. That I wanted him to do what he could for Mr. Bowman; to get the votes out.

Q. Who is Flynn—how much did you give him?—A. \$5.

Q. Where does he live?—A. In the fourth ward.

Q. He is a Democrat, isn't he?—A. Yes.

Q. You got him for \$5, did you?—A. I suppose he did what he could.

Q. What did you tell him?—A. Told him to turn out all he could for Bowman.

Q. To turn out what he could for Bowman?—A. That is right.

Q. Tell us the others. Does that take up the whole \$150?—A. No.

Q. You got some for yourself?—A. A little.

Q. The rest you kept for yourself?—A. Yes; for going around and doing what I could.

Q. You were entitled to that?—A. Yes; I felt I was.

Mr. JONES. No questions.

J. D. COOPER, called on behalf of the contestant and duly sworn by Commissioner Turner:

Examined by Mr. LENAHAN:

Q. Where do you live?—A. Plymouth.

Q. Your business is that of a contractor and builder, isn't it?—A. Yes.

Q. How old a man are you?—A. Forty-nine.

Q. You employ quite a number of men, don't you?—A. Well, yes; at times.

Q. You received \$200 from Jonathan R. Davis, didn't you?—A. Yes.

JOHN C. LEWIS, recalled by contestee.

Cross-examination by Mr. JONES:

Q. You say you paid Mr. Marks \$60?—A. Yes.

Q. For use in Plymouth Township?—A. Yes.

Q. Mr. Marks is now dead?—A. Yes.

Q. He was an attorney at this bar?—A. Yes.

Q. Whether or not to your knowledge he was attorney for the township of Plymouth?—A. He was.

Q. Was he well acquainted throughout the township?—A. Yes, sir; he was.

Q. How long have you known Mr. Marks to live in Plymouth Borough?—A. I have known him ever since he came there—for 20 years.

Q. Was he there 20 years?—A. No, sir.

Q. Plymouth Township and Plymouth Borough lie adjoining each other?—A. Yes, sir.

Q. And parts of one in some places are built up against the other?—A. Yes.

Q. You say you gave Morgan B. Lewis \$40, the mine foreman at the Avondale?—A. Yes; but I didn't tell him for Avondale. I told him to use it in the best places for poll men.

Q. For what purpose did you give it to him?—A. For poll men.

Q. Where is Mr. Lewis?—A. Home, sick. He has been sick for a couple of weeks; he has been sick for a week or two.

Q. He can't get out of bed?—A. Yes; he can; he has rheumatism, but he is getting around now.

Q. Gwilliam C. Lewis, Richard Lewis, Daniel Jones, and Flynn, to whom you paid these smaller amounts, you paid for the purpose of watching at the polls on election day?—A. Yes; and they did, too.

Q. Do you know of your own knowledge that they did that?—A. Yes; I went around and they were on the job.

Mr. LENAHAN. After I called you as a witness and concluded my examination of you the counsel on the other side said he had no cross-examination, didn't he?—A. Yes.

Q. And you retired from the witness stand?—A. Yes; I don't know—I supposed that it—

Q. And then you walked around the room and sat down beside him?—A. Yes.

Q. And after talking to him a while he then proceeded to cross-examine you on these matters that you have now sworn to on cross-examination?—A. Yes, sir.

Mr. JONES. What did I ask you?—A. You wanted to know what the money was used for and I said poll men.

Q. And you told on the stand exactly you told me?—A. Yes; just exactly.

J. D. COOPER recalled by contestant.

Examined by Mr. LENAHAN:

Q. When did you get that?—A. About four or five days before election in November.

Q. That was on Friday or Saturday before the election?—A. Yes.

Q. Where did you get it?—A. At Jonathan R. Davis's office.

Q. Did you go up for it?—A. Yes; he sent for me to come up.

Q. Who did he send for you?—A. I don't know; somebody told me that he wanted to see me.

Q. Some one told you at Plymouth that he wanted to see you, and you came up?—A. Yes.

Q. You didn't know what he wanted of you?—A. No; not at that time.

Q. When you came in there—did you see him immediately when you came to his office in the Second National Bank Building?—A. Yes; he was there when I come.

Q. Was there anyone with him?—A. I was there a few minutes; yes, sir.

Q. How long were you there, altogether?—A. Not 15 minutes, altogether.

Q. How long were you holding a conversation with him?—A. That is about the length of time that I was there, 15 minutes.

Q. You were not talking to him all the time that you were there? I understood there was some one with him when you went in?—A. Yes.

Q. How long were you talking to him?—A. Half of that time.

Q. Seven or eight minutes?—A. Yes.

Q. Tell us, in the order in which the conversation took place, what was said between you and him?—A. He said, "Here is a check to take down to pay some watchers at Plymouth."

Q. Answer the question. Tell us, in the order in which the conversation took place, what was said between you and him.—A. Yes.

Q. Did he hand you the check?—A. Yes.

Q. Was it for \$200?—A. Yes.

Q. Did he say who the poll men were to be?—A. No.

Q. Did he say how much you were to pay them?—A. No.

Q. There was nothing at all of that kind said?—A. No.

Q. Did you have the check cashed that day?—A. Yes; I got it cashed that day.

Q. Where?—A. Over at the Wilkes-Barre Deposit & Savings Bank.

Q. And you took that money to Plymouth?—A. Yes.

Q. I wish you would go on and tell how you paid that money out.—A. I have a list here; Peter Masloskey, \$40.

Q. Who is he?—A. He is an undertaker and liveryman.

Q. In the borough of Plymouth?—A. Yes.

Q. Did you send for him?—A. No; I took it to him.

Q. You went to his place of business and gave it to him?—A. Yes.

Q. Had you any arrangement about going there before you went to him?—
 A. No.

Q. None whatever?—A. No.

Q. In other words, you hadn't spoken to him about this matter until you went into his place?—A. No.

Q. Was he there when you went in?—A. Yes.

Q. How long were you there with him?—A. Just a few minutes.

Q. What did you say to him?—A. I told him here was \$40; use it for the Republican ticket.

Q. You said here was \$40, and he should use it for the Republican ticket?—
 A. Yes.

Q. Did Mr. Davis mention anything about Mr. Bowman at the time that he gave you the check in that conversation?—A. No; he said that the check was for the Republican ticket.

Q. He didn't say that it was for Mr. Bowman?—A. No, sir; not particularly.

Q. Is that all you said to Masloskey?—A. Yes.

Q. Go on to the next.—A. In the first ward there was two poll men, put there at \$5 apiece.

Q. Who were they?—A. Charles Shaw and a Polish fellow; I don't know his name.

Q. Go on.—A. In the second ward, John Maley and Arthur Cashner; they were each paid \$5. In the third ward was Thomas Williams, \$5. In the fourth ward was Martin McDindes and Art. Poor and Link Zimmerman. The first was paid \$5, and Poor \$10, and Zimmerman \$5. In the fifth ward, Ernest Watkins, \$5. In the sixth ward, Thomas Maher, \$5.

Q. He is a Democrat, isn't he?—A. I don't know.

Q. Don't you know that he is a Democrat?—A. No, sir.

Q. Do you know him?—A. Only when I see him.

Q. How did you come to pay a man \$5 that you didn't know anything about?—A. They were hired at the polls.

Q. Who hired them?—A. I don't know.

Q. Didn't you hire them?—A. No; I didn't hire anyone.

Q. How did you come to pay them if you hadn't hired them?—A. I was to take the money around and pay them.

Q. Who told you to give them the money?—A. I went and inquired who the poll men were.

Q. From whom did you inquire?—A. Around the polls.

Q. That was on election day?—A. Yes.

Q. What time, election day?—A. Some time around the afternoon.

Q. Then, this money that you paid to the people that you saw as poll men—\$5 and \$10—you paid in the afternoon, did you?—A. Yes.

Q. But you don't know who the poll men were?—A. Only when I went to the polls.

Q. And the only way that you knew was by inquiring around the polls?—
 A. Yes.

Q. That is the only way that you knew it?—A. Yes; that is the only way.

Q. Who is the next?—A. Matt McLoskey, in the sixth ward, \$5; in the seventh ward, Thomas Leets, \$5, and John Hennison, \$5.

Q. That is a Democrat; isn't that so?—A. I don't think so.

Q. Do you know him?—A. When I see him.

Q. Do you know him to talk to him?—A. Yes.

Q. Do you know his politics?—A. He was working for the Republican Party at the time.

Q. At that particular time?—A. Yes.

Q. But of his general politics, you don't know that, do you?—A. No, sir.

Q. Eighth ward.—A. In the eighth ward, Harry Kettle, Elijah Searels, both \$5; in the ninth ward, Arthur James, \$5, and Moses James, \$5, and Harry Carver, \$5; in the eleventh ward, John M. Burke, \$10; in the twelfth ward, John Harrison, \$5, Arthur Batt, \$5, Peter Novak, \$5; in the thirteenth ward, Tony Barton, \$5, and a couple of Polander fellows I gave \$5 apiece to, but I don't know their names.

Q. Who were they?—A. I don't know.

Q. Where do they live?—A. In the twelfth or thirteenth ward.

Q. Did you give it to them at the polls?—A. Yes, sir.

Q. But you didn't know their names?—A. No.

Q. That is all the money you paid out?—A. Yes.

- Q. What does that amount to?—A. \$165, outside of the two Polander people I gave \$5 apiece.
 Q. That would be \$175?—A. Yes.
 Q. What did you do with the rest?—A. Distributing cards with a horse; one thing or another.
 Q. To whom did you give that money?—A. I took it myself.
 Q. You kept \$25?—A. Yes, sir.
 Q. For distributing cards?—A. Yes.
 Q. Where did you distribute those cards?—A. At the different polling places.
 Q. On election day?—A. Yea.
 Q. What time did you start out to the polling places on election day?—A. Early in the morning.
 Q. Where did you get these cards from?—A. They were sent to Plymouth.
 Q. Where did you get them from?—A. I think they were got at the drug store.
 Q. Whose drug store?—A. Hartman's.
 Q. Who was with you when you got them?—A. I don't think there was anybody.
 Q. How many did you get?—A. I don't know, but there was quite a stack.
 Q. Were there 20?—A. Yes.
 Q. How many—30?—A. Yes, sir; somewhere about that.
 Q. What were they, candidates, separately, or were all bunched together in a group?—A. They were different forms.
 Q. You appropriated to yourself \$25 for distributing 30 cards and running-around expenses?—A. Yes.
 Q. What running around?—A. Paying the poll men.
 Q. They were the same polls that you went to distribute the cards?—A. Yes; but I didn't pay them in the morning.
 Q. Then you went twice to the polls with a horse and carriage?—A. Yes.
 Q. You could go to all of these polls inside of 40 minutes. Couldn't you drive from the poll in the first ward of Plymouth, stopping at each poll, and reach the thirteenth ward inside of 40 minutes, easily?—A. Possibly I could.
 Q. Then you charged \$25 for about an hour and a half working, didn't you?—A. It took more than an hour and a half.
 Q. It didn't take more than two hours?—A. I had to tack up the cards.
 Q. It didn't take more than two hours, did it?—A. Not much more.
 Q. And you took \$25 for that?—A. Yes.
 Q. What ward did this man that you paid \$40 to live in?—A. He lives on West Main Street. I think that it is in the eighth ward, but I am not sure.
 Q. How much money did you pay to any other poll man in the eighth? Turn to that book of yours and see.—A. \$10 besides what he got.
 Q. \$10 besides the \$40 you gave him?—A. I am not sure, but I think that is it. [Witness refers to book.] \$10; yes.
 Q. The man that you gave the \$40 to is a Polander?—A. Yes.
 Q. And that is a strong Polish ward?—A. Yes.
 Q. And when you gave him the money I understood you to say, "Here is \$40 for the Republican ticket"?—A. Yes.
 Q. And you said nothing else to him?—A. No.
 Q. You are sure of that, are you?—A. Yes.
 Q. I want to ask you this: Who told you to go up to Jonathan R. Davis's office?—A. I don't know; I couldn't tell you now.
 Q. Wasn't it the postmaster?—A. No.
 Q. And you can't recall the name of the person who told you that?—A. No; I don't know who it was.

Cross-examination by Mr. JONES:

- Q. How long did you know Masolosky?—A. For several years.
 Q. There is a large foreign population in your town?—A. Yes.
 Q. Do you know whether or not he employed poll men with that money?—A. Yes, sir; I think so.
 Q. Do you know in what ward he employed them?—A. In the lower wards—in the seventh, eighth, and the sixth.
 Q. From the time that you saw Mr. Davis you did do some work for Mr. Bowman among your friends, talking to them?—A. Yes; I was busy all election day.
 Q. And on election day you were out all day?—A. Yes.

- Q. From early morning until late at night?—A. Yes.
 Q. And you went about from poll to poll?—A. Yes.

Redirect examination by Mr. LENAHAN:

- Q. After you got the money from Davis you got very busy for Bowman?—A. Yes.

Q. Sir?—A. I had been very busy.

Q. I am going over your testimony. After you got the money from Davis you got very busy for Mr. Bowman?—A. Yes, sir.

Q. Will you tell me the name of a man this Polander paid as poll man?—A. Yes—no; I can't.

Q. You put poll men in that ward yourself?—A. Yes.

Q. And you never asked when he paid them or for what wards he paid them?—A. No.

Q. Did you ever talk to him since election?—A. No; just to bid him the time of the day.

Q. How do you know that he paid anyone?—A. No, sir; I don't. He had the money for that purpose.

Q. You don't know anything about that?—A. He got that money for that purpose.

Q. You gave him that money to do what he wanted to with, did you not?—A. No; I told the—no; I told him that he should pay the poll men.

Q. Have I not asked you here twice what the talk was that you had with him, and haven't you told me you said, "Here is \$40 to use for the Republican ticket"?—A. Yes.

Q. And didn't I say, "Is that all was said?" And didn't you say, "Yes." And didn't I say, "Are you sure of that?" And didn't you say that you were sure?—A. Yes.

Q. Then why are you swearing now that you gave it to him and told him to use it to pay poll men with?—A. I understand that is for the entire Republican ticket.

Q. You didn't use the words "poll men," did you?—A. I don't know whether I did or not; maybe.

Q. You didn't from your own recollection?—A. No.

Q. Well, you did say to him, "Here is \$40 to use for the Republican ticket." Isn't that right?—A. Yes.

CYRUS WEISS, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Mr. Weiss, what is your business?—A. I am connected with the Miner Hillard Milling Co.

Q. What do you do for them?—A. I am secretary.

Q. You are secretary of the company?—A. Yes.

Q. They employ a large number of men, don't they?—A. Quite a large number; yes, sir.

Q. How many do they employ?—A. Little more than a hundred; I don't know exactly.

Q. You were a member of the Keystone Party this year, were you not?—A. Yes, sir.

Q. And you selected delegates to the State convention of the Keystone Party, the delegates from this congressional district to the State convention of the Keystone Party in Philadelphia?—A. I did not.

Q. Did you participate in it?—A. I suggested one.

Q. Who was the man that you suggested?—A. A. B. Davenport, of Pittston.

Q. Is that the A. B. Davenport who got \$10 from Mr. Bowman?—A. I don't know that.

Q. Mr. Bowman says that he paid A. B. Davenport, of Pittston, \$10, who was a delegate to the State convention of the Keystone Party.—A. I wouldn't know that.

Q. But you know Davenport?—A. Yes.

Q. Isn't Davenport a partner of yours in the laundry business in Pittston?—A. Yes, sir; that is the man.

Q. You selected and participated in the election of delegates to the county convention of the Keystone Party, didn't you, in this congressional district?—A. No; I did not. I don't think there was any county convention—not to my knowledge.

Q. The county committee?—A. I didn't.

Q. You didn't participate in the selection of them?—A. No.

Q. The Keystone Party had no candidate for Congress in this district, had they?—A. No.

Q. Mr. McLean was not the candidate—that is, he was the candidate of the Democratic Party and Mr. Bowman was the candidate of the Republican and Prohibition Parties. That is right, is it not?—A. So far as I know it is; yes, sir.

Q. I wish you would tell us how much money you got in the campaign of 1910.—A. I received \$225 from Jonathan R. Davis—I think about Saturday or Monday preceding the election.

Q. On the Saturday or the Monday preceding election?—A. I think that is the date; it was within a few days of election.

Q. How did you receive that money?—A. In one check.

Q. Did you go to Mr. Davis's office at his request?—A. At his request; yes, at his office.

Q. When first did you receive the request from him?—A. About two weeks before the election.

Q. Where was it that you met him?—A. I met him on the street.

Q. What did he say to you?—A. About two weeks before the election he said that he would like to have me submit to him a list of special watchers; that he wanted to get a number of special watchers in the city of Wilkes-Barre. Some of the committeemen were not the best men to get and he wanted me to submit a list of watchers. I have not been active in ward politics for some time and I consulted my friends and together we submitted a list.

Q. I am not asking you that, Mr. Weiss. Is that all that was said between you and him?—A. That is all, and I submitted the list.

Q. Did you prepare the list of names?—A. A portion of it; yes, sir.

Q. Did you prepare a list of the names of watchers in the city of Wilkes-Barre?—A. A portion of the list I prepared.

Q. Where is the list?—A. I haven't got it.

Q. What did you do with it?—A. Now, if you mean—

Q. What did you do with it?—A. I can't tell you.

Q. Did you submit that to Jonathan R. Davis?—A. The list of the names were submitted.

Q. Where?—A. In his office.

Q. When?—A. The day that he gave me the check; that is my recollection.

Q. About how many names were on that list?—A. I think on my list was 39 to 40 names; that is my recollection.

Q. Will you give us the names on it now?—A. I can give you a portion.

Q. As near as you can give it?—A. I didn't prepare them all.

Q. With the wards that they lived in.—A. Up in the first ward was George Searing.

Q. Was he a Keystone Party man?—A. Not to my knowledge.

Q. Go on.—A. In the second ward a man by the name of Stevens, I don't know his first name, he lives in Bowman Street. In the seventh ward was a man by the name of Batz, on Main Street, I don't know the man, but that was the name submitted. In the eighth ward, Ed. Fisher.

Q. Edward Fisher. What does he do?—A. He is a clerk in the recorder's office.

Q. He is a clerk in the recorder's office and is paid by the county for his services.

Q. And he was a clerk at that time?—A. So far as I know.

Q. You knew him well?—A. I have known him for years.

Q. Jonathan Davis knows him well, don't he?—A. I don't know.

Q. Isn't Edward Fisher a well-known man in politics here? A committeeman—a well-known Republican?—A. I don't know.

Q. And haven't you heard that Edward Fisher was charged on two or three occasions with having stuffed ballot boxes in the second of the eighth ward?—A. No.

Q. And did you not hear that is how he procured the position that he now holds in the courthouse, because of his efficiency in stuffing ballot boxes?—A. No; I didn't hear that.

Q. Will you tell us why Jonathan R. Davis asked you to submit to him the name of Edward Fisher, a man who is holding a position under the Republican Party?—A. He didn't ask me to submit that name in particular.

Q. He asked you to submit names, did he not?—A. Yes.

Q. And he asked you to submit the names because he had to rely upon some one for names?—A. Yes.

Q. And I assume that he asked you to submit them because he himself didn't have the means or didn't know the parties he should get as watchers?—A. Yes, I presume so.

Q. And you submitted to him the name of a man holding a position in the courthouse, holding a position under the Republican Party, did you not?—A. There is nothing unusual about that.

Q. You did that?—A. Yes.

Q. You submitted to him the name of a man who was on the Republican county committee?—A. I don't know whether he was or not.

Q. You don't know whether he was or not?—A. No, sir.

Q. Who is the next?—A. A man by the name of Fisher, another Fisher, in the eleventh, second.

Q. Is he a brother of Edward Fisher?—A. No, sir.

Q. What is his first name?—A. I don't know; I don't think that he is any relation, so far as I know. In the twelfth, first, Peter Keithline. Two in the twelfth, second. I don't know their names, but one is a German. The twelfth, third, I think, first is John Humbleby; he works in Leonard's grocery store; John or Ed.

Q. John or Ed.?—A. John or Ed., I don't remember which. In the thirteenth, Ben Davis.

Q. Who is Ben Davis?—A. A clerk in Tuck's drug store. Bruce Grant, Charles Witt.

Q. Charles Witt also occupies a position in the courthouse, don't he?—A. As far as I know, he does.

Q. And he has been holding a position there for some time?—A. Yes.

Q. And is paid by the county of Luzerne for his work as a clerk in the courthouse, isn't he?—A. I presume he is.

Q. He has been prominently connected with politics here for many years?—A. Yes.

Q. And is well known in politics?—A. Yes.

Q. Don't you think that Jonathan Davis knew him without any suggestion from you?—A. Yes.

Q. Then tell me why you suggested him?—A. Witt and I have been good friends for a great many years.

Q. But he is friends with all the Republicans?—A. Yes.

Q. Why did you suggest him?—A. Because I considered him a good man in that district:

Q. He is looked upon as one of the leaders in that district?—A. Yes.

Q. And Jonathan Davis didn't know that?—A. I couldn't say whether he looked over the list carefully or not.

Q. Don't you think that as much means—don't you think that he had as much means of knowing Witt's capacity as you had?—A. I presume that he did, but he asked me to submit a list of names and I prepared them.

Q. Take the next.—A. In the fourteenth ward a man by the name of Colvin, I think his name is John, fourteenth, 50.

Q. What does he do?—A. I think that he is connected with the fire department of the city.

Q. He is employed by the city?—A. I think so.

Q. And is paid by the city?—A. I suppose so, unless he is a volunteer; I don't know whether he is or not.

Q. Don't you know that there are no volunteer firemen here any more?—A. No, I don't.

Q. You know they are on salaries?—A. Most of them are. I supposed they had some volunteers—Alfred Sherred.

Q. What does he do?—A. He is a carpenter.

Q. The next?—A. John Jones.

Q. Who is John Jones?—A. John Jones lives at 206 Parrish Street. He is a saddler for the Lehigh Valley Coal Co. He has been there with them for years.

Q. The next?—A. In the fifteenth ward, I remember, George Woods, Robert Roberts, and Harry Ide. That is all I can call to mind now.

Q. How much did you give those men?—A. I believe they were given \$5. A few of them were given \$10.

Q. How many were given \$10?—A. I can't tell that.

Q. Why did you distinguish and give some of them \$10 and some of them \$5?—A. Because some of those men had been employed for sometime previous to the election to work for Mr. Bowman.

Q. Who were the men that were working for Mr. Bowman sometime previous to the election?—A. I can't tell you which now.

Q. Have you any way of ascertaining?—A. Probably I could ascertain, but I can't now.

Q. How do you know that they were employed?—A. Because Witt had been asked to procure some of those names sometime before. Witt didn't actually employ them before a few days before election.

Q. You say that Witt was asked to get names?—A. Yes.

Q. By whom?—A. By me, to help prepare the list.

Q. After Jonathan Davis asked you about it?—A. Yes.

Q. He helped to prepare the list?—A. Yes.

Q. How much did you give him?—A. The money was divided up.

Q. How much did you give him?—A. I don't remember.

Q. What did you pay him for?—A. To pay these men who had already been engaged at the polls.

Q. He had engaged them before you got the money from Davis?—A. That's it.

Q. I will go back and ask you why you paid some \$10 and paid others only \$5?—A. Because some of them had been told they were to work for Bowman prior to election.

Q. What work had they done for him?—A. If a man worked in a machine shop, we expected that he would be talking for Mr. Bowman from then on until election, and that included his wages for election day.

Q. Then you pay him for talking for Mr. Bowman while engaged in his place of employment, is that right?—A. They were to talk in Mr. Bowman's interest whenever they had an opportunity.

Q. I asked you if that is what you paid them for. You said you paid them for talking while on their jobs?—A. Wherever they had the opportunity.

Q. You paid them \$5 extra for talking for Mr. Bowman?—A. Yes.

Q. That is the only consideration that entered into that payment of the extra to them?—A. That is the only thing.

Q. You got that money by check?—A. Yes, sir.

Q. And it was on what bank?—A. The Wilkes-Barre Deposit & Savings Bank.

Q. Did you draw that money from the bank?—A. I did.

Q. You drew it the day that you got the check?—A. I did.

Q. You got \$225 and you paid out \$90 according to yourself; what did you do with the rest of the \$225?—A. Witt took the balance to pay the other men.

Q. I asked you how much you gave to Witt?—A. I don't know just how many men—

Q. You have given the names that Witt gave you and that you paid?—A. A portion of them; yes, sir.

Q. What did you do with the other \$135?—A. I took it and distributed the balance of the names submitted after I had paid—

Q. Mr. Weiss, you don't answer the question. I want to know what you paid Witt?—A. I paid him the difference.

Q. What difference? What do you mean by a difference?—A. I think it was \$145.

Q. \$145?—A. That is my recollection.

Q. Is that including the \$10 that you gave him?—A. What I gave Witt?

Q. Yes; I understood you to say that you paid Witt \$10. You mentioned his name as a man that you paid. You paid him \$5, anyway. Did you pay him in addition to that another sum to him?—A. Mr. Witt paid most of these men. I didn't pay these men personally. I didn't have the time and he took the money.

Q. Mr. Weiss, I have asked you to give me the names of the men that you paid money to. You have proceeded to give them, and among the men you paid money to, you said some \$10 and some \$5. Among those you mentioned \$10 or \$5 was paid, you say, to Witt. Now, I ask you to tell me how much you paid him in addition to that \$10 or \$5 that you paid him. The amount?—A. I don't remember the amount. I paid him the difference.

Q. That is very vague, Mr. Weiss.—A. That is all I can tell you.

Q. Can you tell us whether it was \$50 that you paid him?—A. It was over \$100. I can't tell you how much.

Q. It was over a \$100?—A. In which he distributed to these other wards.

Q. You paid him over \$100?—A. Yes.

Q. Did you pay him that \$100 at the time that you paid him the \$5 or \$10?—A. Yes, sir; all together.

Q. What did you give him \$5 or \$10 for?—A. For his services at the polls.

Q. He got \$5 for being at the polls, was that it?—A. Yes; for working on election day.

Q. Where did you pay him that money?—A. Over in Miner Hillard Co.'s office.

Q. Did you send for him?—A. I phoned for him; he was at the courthouse and he came down.

Q. What did you say?—A. I don't know. It was the same day that I got the money, whatever day that was.

Q. Then the day that you got the money you gave him so much money over \$100?—A. Yes, sir.

Q. How much more than \$100. A. I think that it was \$145, as near as I can recall.

Q. Now, I want you to tell me if the men whose names you have mentioned as having paid money to are the men that you yourself paid the money to?—A. I didn't pay all of these men.

Q. I asked you to give me the names of the men to whom you paid the money—that you yourself paid money to. That is what I want to get from you. Mr. Weiss.—A. I don't think that you asked me that question at all.

Q. Give me the names of the men that you paid money to and the amount you paid each man.—A. I don't remember who they were.

Q. Do you say you yourself can't say how much money you paid those men?—A. No; I don't mean to tell you that, but the men that I paid.

Q. I am not asking that, Mr. Weiss; I am asking you to give us the names of the men that you paid money to and how much you paid to each one?—A. I sent \$10 to William J. Poad.

Q. By whom?—A. I put it in the mail.

Q. You mailed it to Poad?—A. Yes.

Q. What is his business?—A. He is a grocer, and he hired two Polanders in the sixteenth ward.

Q. In the sixteenth ward?—A. Yes.

Q. This is money that you paid yourself?—A. Yes.

Q. Who else did you give money to?—A. I paid Peter Keithline and John Jones.

Q. Peter Keithline, what ward?—A. The twelfth ward, first district, \$5.

Q. Who else?—A. John Jones.

Q. How much?—A. \$5. I paid \$20 to two Polanders from the thirteenth and fifth, but I don't know their names.

Q. Did you know them?—A. They were brought there by Witt.

Q. Witt, the man that you paid the money to to pay the men he knew, brought these men to you and you paid \$20 to them, did you?—A. Yes; but I don't remember their names. I paid a portion of it to them.

Q. You paid a portion of it to them?—A. Yes, sir; that is, I don't remember their names.

Q. Go on with the rest.—A. That is all I call to mind at the moment.

Q. Can you give us any other names?—A. Not now.

Q. And you paid, in addition, to Charles Witt?—A. I won't say that—

Q. Wait. And you paid, in addition to that, Charles Witt \$145?—A. I won't say that is the amount.

Q. Can you tell us what it was?—A. It was the difference between what I paid and what I received.

Q. You know that is a pretty large sum of money, Mr. Weiss, can you tell us how much you paid him?—A. No, sir; I can't.

Q. Can you give us any idea how much you paid him?—A. No.

Q. No idea at all?—A. No.

Q. Mr. Weiss, you have been in the habit of paying out money?—A. Not for several years.

Q. For several campaigns? A. Not for a long time.

Q. Didn't you pay out money two years ago at the primaries?—A. What?

Q. Didn't you pay money out two years ago at the primaries for Congress?—A. Yes, sir; I did.

Q. And you didn't keep a memoranda of the moneys that you paid out?—A. After the primaries was over, until then, and I had this memoranda until after the general election, but I haven't got it now.

Q. What did you do with that memoranda?—A. I destroyed it. I did not think that it was of any value after the election, when the men were paid.

Q. Do you know how much money you paid out two years ago?—A. I don't.

Q. Can you give us any idea how much money you paid out?—A. No, sir.

Q. You don't know whether it was \$100, \$200, \$300, or \$400?—A. I don't know how much I paid out.

Q. You don't remember whether it was \$200, \$300, or \$400?—A. I do not.

Q. That is not what I am asking you. I am giving you lots of leeway. You don't know whether it was \$200, \$300, or \$400, or \$500 you paid two years ago? Answer that yes or no.—A. Just a moment, I don't think I paid out \$500.

Q. You don't think that you paid out \$500?—A. No, sir; because I was not the treasurer handling the campaign. Col. Miner was treasurer of his own campaign.

Q. You paid out money in other campaigns?—A. Years before this; yes, sir.

Q. How many years before?—A. I don't think that I have paid out any prior to four or five years ago, outside of the congressional campaign, when Col. Miner ran.

Q. You didn't pay out any money, except the congressional campaign of 1908, for four years, before 1910?—A. I think that is right.

Q. And you can not now give any more definite designation as to the amount of money that you paid Mr. Witt than you have given here?—A. Not now; no, sir.

Q. And you paid him that money down in your place of business, didn't you?—A. Yes.

Q. You talked over how much it would require?—A. That was all talked of long before.

Q. I am not talking about before. You talked over how much it would require at that time?—A. We did not.

Q. You didn't talk to this man Witt, how much money it would require on his part at that time?—A. No, sir.

Q. You had the amount fixed when you gave it to him at that time?—A. Yes, sir; certainly.

Q. How did you men fix on the amount at that time?—A. We had the list which was submitted.

Q. You had the amount fixed that you were to pay him?—A. No; the amount to be paid in the entirety.

Q. Didn't you, when you paid him that money, fix in your mind from the talk with him how much you were to pay him?—A. I paid him the difference between what I paid out—

Q. Never mind that difference. Differences don't go here. We want facts, Mr. Weiss. Didn't you and he agree on how much you were to pay him there in your business place a few days before the election?—A. No, sir.

Q. You didn't mention any amount that you were to pay him?—A. No, sir.

Q. How did you come to pay him?—A. Because he was to pay the men that he had engaged.

Q. How did you come to pay him that fixed sum?—A. I paid him the amount necessary to pay these men.

Q. You paid him the amount necessary to pay these men?—A. Yes.

Mr. JONES. He told you different times.

The WITNESS. I don't understand what you mean.

Mr. LENAHAN. My question is very clear. You paid him a certain amount of money, is that so?—A. Yes.

Q. I asked if you and he talked about the amount of money that you were to pay him?—A. No.

Q. I asked you if you and he agreed what the amount of money should be that you paid him?—A. No.

Q. Then tell me how you came to pay him a fixed sum if you didn't talk about the amount of money that you were to pay him?—A. Well, Mr. Lenahan, this \$225 was for the entire list, and from that we deducted those that I paid, and the balance was simply given to Witt to pay those men.

Q. Then you fixed on the sum that you were to pay him by that process?—A. Yes; but I don't know the amount of it any more.

Q. You fixed on that sum by that process, didn't you?

Attorney BOWMAN. Please give the witness a chance, Mr. Lenahan. He never said that he didn't.

Q. I will repeat the question again. Didn't you and he fix the amount that you were to pay him when you paid him the amount?—A. No.

Q. Then you did pay him without fixing any amount?—A. Certainly.
 Q. And that is the way that you did pay him?—A. Certainly.
 Q. And you don't know how much that amount was?—A. I don't.
 Q. And you have said before that you have no idea of it?—A. I don't know.
 Q. How long have you been in politics, actively, I mean?—A. 1894-95; I don't remember, until 1906.

A. Tell us, during that period of time, covering 11 or 12 years, Mr. Weiss, at how many elections did you pay out money?—A. I don't know.
 Q. It was so often you can't remember, is that it?—A. I don't know.
 Q. It is so often you can't remember, is that it?—A. I don't know.
 Q. Will you answer the question?—A. I don't know.
 Q. It was so often that you can't remember how often you paid money out?—A. I don't know how many times.

Q. I am not asking you that. I am asking you if it was so often that you can't remember how often you paid it?—A. No.

Q. It is not?—A. No.
 Q. The best that you can say to that is, that you don't know how many times you paid it out?—A. That is right.

Q. Did you pay out any money at the primaries?

Mr. JONES. Objected to for the reason that any money paid out at the primaries is not properly within the scope of this inquest. No charge being made in the notice served by the contestant upon the contestee that there was any illegal use of money by the contestee or by anyone in his behalf at the primary election.

Mr. LENAHAN. I am putting this question to the witness for the purpose of testing his recollection. The question does not assume that he paid out any money for the contestee at the primaries. Answer the question.

Mr. JONES. We further object to the question that if it does not assume that he paid out money at the primaries for this contestee, then it surely has no place in this inquiry.

Q. Will you please answer the question?

Mr. BOWMAN. You are raising the question that we have discussed with Judge Wheaton, and you allowed us to have until Monday to determine our action on that.

Mr. LENAHAN. It is not that exactly, but if you take that view of that I won't press it.

Q. Did you receive any other money during the campaign except this \$225?—A. I did not.

Q. From anyone?—A. No.
 Q. And you sought no money from anyone else?—A. No.
 Q. During the campaign?—A. No.
 Q. Then all the money that you received in this campaign, in the general election, was \$225 from any source?—A. That is right.
 Q. That you received from Jonathan R. Davis?—A. Yes.
 Q. Hold yourself in readiness; we may want you Monday of next week.

Mr. JONES. We will waive cross-examination for the present.

C. C. BOWMAN recalled by the contestant.

Examined by Mr. LENAHAN:

Q. Mr. Bowman, are you a member of the Antisaloon League?—A. Only as I was elected its president.

Q. When were you elected president?—A. I think that it was about nearly a year ago; I don't just recollect the time.

Q. Were you president during the canvass last fall?—A. As far as I know, I was.

Q. How much did you contribute to the Antisaloon League?—A. \$100.

Q. When?—A. I think that it was April or May. Mr. Nicholson, the treasurer, will tell you.

Q. Have you a check showing that?—A. I think there is a check.

Q. Sir?—A. I think there is a check. I have a receipt from Mr. Nicholson, if you want it.

Q. Have you got it?—A. He sent me one; I had it; I can get a duplicate.

Q. Do you know a man named Brandt?—A. Yes.

Q. Did you contribute anything to him?—A. Not recently; I did in former years.

Q. Did you contribute anything in 1911 to him?—A. No.

Q. Will your check book show what you contributed to Brandt during 1910, if you did contribute anything, and show what you contributed to Nicholson?—A. Yes.

Q. Will it show any other contributions you made to the Antisaloon League during 1910?—A. No, sir; not that I recall.

Q. You were president of the league?—A. Yes.

Q. Did you ever see this circular? [Witness shown circular.] How about that, Mr. Bowman? When did you see it first?—A. I think that Jonathan R. Davis showed it to me.

Q. When did Davis show it to you?—A. I think about that time—a few days before election.

Q. This is the circular to which the attention of Mr. Glering was called, being the circular that he says that Mr. Peter Quinn brought to the Record office. Who paid for the mailing and distribution of these circulars?—A. I don't know.

Q. Did the Antisaloon League?—A. I don't know.

Q. Although you are president, you don't know whether they paid for it or not?—A. No.

Q. You know nothing about it?—A. No, sir; after I was nominated as a candidate, Mr. Nicholson, the treasurer, and Mr. Thomas Atherton and other members of the executive committee thought that it was not proper that I should have anything to do with their work, and they so advised me.

Q. And you had no consultation with them about their work?—A. No, sir; not after being nominated.

Q. And Jonathan R. Davis didn't?—A. Not that I know of; I did not follow all his movements.

(Hearing adjourned until 11 a. m. Monday, March 6, 1911.)

Now, Monday, March 6, 1911, hearing resumed at 11 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., John E. Jenkins, Esq., counsel for contestant; A. C. Campbell, Esq.; Arthur L. Turner, Esq., counsel for contestant; C. C. Bowman, contestee, in person; Evan C. Jones, Esq., counsel for contestee.

C. C. BOWMAN, contestee, recalled by contestant.

Examined by Mr. LENAHAN:

Q. You testified here practically, in response to my inquiries about the many expenditures made in your behalf in this campaign, that you did not know anything about and that you trusted implicitly in Jonathan R. Davis?—A. Yes.

Q. Jonathan R. Davis was also your manager in the primaries, was he not?—A. Yes; he was manager in the primaries and chairman of the Republican committee.

Q. Those that you didn't know about you trusted to Jonathan R. Davis implicitly?—A. Yes.

Q. Now, just answer my question. He was your manager in the primaries?—A. Yes.

Q. Well, you knew, didn't you, Mr. Bowman, that fraud had been perpetrated in your behalf at the primaries at Warrior Run?—A. No, sir; I did not. If I had, I myself would have prosecuted the men who committed it.

Q. Didn't you know, Mr. Bowman, before the general election and after the primaries, that the board at Warrior Run was prosecuted and convicted for fraud perpetrated in your behalf, as well as Mr. James's behalf for senator?—A. No, sir; I did not. I knew that they had been convicted of fraud, and very properly, and I would be glad to furnish means to convict any man of fraud, Republican or Democrat alike, and I have always stood ready to do that.

Q. Did you furnish any means to prosecute them?—A. No; but I would if I were asked.

Q. Notwithstanding the fact that these men had been charged with fraud, and notwithstanding the fact that that fraud had been committed in your interest, and the gang's candidate for senator's interest, one Edward James, you never took any interest in the attempt to convict them, or tried to ferret that out, did you?—A. No, sir; it was not my duty.

Q. Wasn't it?—A. No, sir.

Q. Did you look at the returns from Warrior Run?—A. Only casually, if at all.

Q. I will ask you this: Haven't you looked at the returns in Warrior Run, and didn't they, on their face, show that fraud was perpetrated for you and Mr. James?—A. I don't know anything about them. I did not have any experience in Warrior Run to dissect them from.

Q. Didn't it appear in the newspapers within three days after—after election—that fraud was perpetrated in your interest and Mr. James's interest?—A. I didn't see such a thing.

Q. You saw nothing of that, did you?—A. No, sir. I don't recall that I did.

Q. You read the Record, don't you, every morning?—A. Almost every morning.

Q. And you now say, Mr. Bowman, under the solemnity of your oath, that within four days before they were prosecuted, after the primary election was over, before Judge Fuller, it was clearly and fully shown and demonstrated by some of the officers themselves, that fraud was perpetrated in that election at the primaries, in which you and a man by the name of James, whom I have mentioned, were the beneficiaries?—A. Upon your second presentment of this matter, and with this explanation, I will say that I saw it in the papers that certain election officers had been prosecuted, and, from what I read in the papers—I don't recollect when I read it—very properly.

Q. You admit now that you saw it?—A. I told you before, but when you put it in the case of James and myself only, I didn't recall it.

Q. Wasn't the vote shown there in the newspaper accounts, that was credited to you and Mr. James shown to be a false and fraudulent vote?—A. Naturally, as I recall it now—

Q. Now, Mr. Bowman, just answer the question: Was not the vote shown in the newspaper accounts that was credited to you and James shown to be a false and fraudulent vote?—A. As I recollect it, I think it was, probably.

Q. And these men were subsequently convicted, were they not, on a trial in court, about in the month of September?—A. I think they were.

Q. Before the election?—A. I think they were.

Q. They were convicted of fraud?—A. Yes; very properly.

Q. Did you take any steps to inquire from Mr. Davis, your manager, how this thing was done, and whether he had a hand in it or not?—A. Yes, sir.

Q. Tell us what you said and did?—A. I asked him if he had anything to do with that, and he said in no shape, way, or manner.

Q. When did you ask him that?—A. Shortly after I saw it in the newspaper that there had been fraud committed there.

Q. After the conviction of these men?—A. No.

Q. Is that all you said?—A. No, sir.

Q. Did you ask him to make an investigation?—A. No.

Q. Did you ask him to announce to the public that you would not accept a nomination secured by means of that kind?—A. No, sir; I did not.

Q. You did not?—A. No.

Q. But after the conviction of these men, and after the publication of the hearing before Judge Fuller, in which it was clearly demonstrated that they were guilty of fraud, you did give Jonathan R. Davis seven thousand and some odd dollars to conduct your campaign?—A. Yes, sir; I did; and I consider him one of the most capable and most honorable men in the county of Luzerne, who has ever conducted a campaign, and I would be glad to secure his services again if I was ever a candidate.

Q. I have no doubt you would.—A. There is not a man in Luzerne County that I would trust any sooner than Jonathan R. Davis, and any bank officer, or any other man of standing in this county, will support my statements.

Q. You have volunteered it here that any bank officer would support your statement?—A. Yes.

Q. Do you know the bank officers of this county?—A. Some of them.

Q. Do you know all of them?—A. No, sir.

Q. Do you know 50 per cent of them?—A. Yes; I think I do.

Q. Give me the bank officers of the Third National Bank of Plymouth?—A. Is that the bank in which Senator De Witt—I don't know them by their names.

Q. You don't know the names of the directors?—A. I don't know them by their titles.

Q. Don't you know there is no such bank as the Third National Bank of Plymouth?—A. No; I do not. I will tell you that I don't know their names—of all the officers.

Q. Don't you know there is no such bank as the Third National Bank of Plymouth?—A. No, sir; I don't.

Q. Give me the names of the officers of the Plymouth Bank?—A. Senator De Witt is one of them, and he told me—

Q. Never mind that now.—A. Yes; I will mind that, in explanation of my answer. I will say that Jonathan R. Davis introduced him to me, and he told me that he would vouch for anything that Jonathan R. Davis would do.

Q. Give me the bank officers in Plymouth?—A. I don't know the names of the others, but he introduced me to the officers in the bank.

Q. Can you give me the name of any others?—A. Mr. Ashley, I think, is one of the directors.

Q. He lives in Wilkes-Barre?—A. Yes.

Q. What did he say about Mr. Davis?—A. He said that he considered him one of the best and the straightest men that he ever knew, and in the banks here in Wilkes-Barre they—

Q. We are in Plymouth, please.—A. I don't recall their names, but I have been introduced to them.

Q. Do you know the names of any others except the two that you have given?—A. I don't recall their names—these gentlemen, who are officers of the banks—I don't know their names, but I have met them.

Q. Did you talk to other men down there about Mr. Davis?—A. Yes.

Q. Connected with the banks?—A. Not that I know of definitely. Oh, yes; I did. I am not sure whether he is one of the bank directors or not.

Q. I am only asking about those you knew to be directors of the bank.—A. I am not sure.

Q. Is that all you can give?—A. Yes; that is all I can recall in Plymouth.

Q. Why were you going around seeking a character for Mr. Davis?—A. I wasn't going around seeking a character for him.

Q. Where did Mr. Ashley give you his tribute to his honesty?—A. In his office.

Q. Why?—A. Because I was talking about the campaign, and he wanted to know who was in charge of it, and I told him.

Q. When was that?—A. That was before election.

Q. How long before election?—A. About two or three weeks.

Q. Do you know any officers in banks in Hazleton?—A. I know Mr. Markle and Mr. Pardee.

Q. Did you talk with them about Jonathan R. Davis?—A. I did with Mr. Pardee.

Q. Which Pardee?—A. It is the gentleman who is ill now; he doesn't go out.

Q. There are 10 Pardees living down there, are there not?—A. I don't know that.

Q. Isn't that one of the banks that is known as the Pardee Bank?—A. Yes.

Q. Isn't the whole family of Pardees connected with that bank?—A. I don't know.

Q. What is his name? Give me the name of that Pardee.—A. I don't recall his first name.

Q. Did he know Mr. Davis?—A. Yes.

Q. When did he tell you about Mr. Davis?—A. Sitting in his carriage in front of the hotel in the city of Hazleton.

Q. What did he say about Mr. Davis?—A. He said that I had selected a very good manager.

Q. Is that what he said?—A. Yes.

Q. Well, I agree with him in that. That for your purposes you did secure a good manager.—A. It is unjust for you to put a stigma on a man as good as that; and you know it, John T. Lenahan.

Q. Have you any other bank officers in Hazleton?—A. I know a man; and I think that M. S. Kemmerer is one of the directors of a Hazleton bank.

Q. Does he live in Hazleton?—A. No.

Q. What bank is he director of?—A. I think that he is interested in more than one.

Q. Will you tell me a bank that he is director of?—A. I don't know, but I was in his employ for several years, and he told me that he was interested in a Hazleton bank.

Q. Is that all you know about it?—A. Yes.

Q. I have been their lawyer for some time, and this is the first that I ever knew that he was interested either as a stockholder or as any other official.—A. Your information may not be in the line of mine, or he may not be interested; but I think that I recall that he had an interest in one of the Hazleton banks.

Q. When did he tell you that?—A. I was in their employ for six or seven years.

Q. I didn't ask you that. When did he tell you that?—A. About 25 years ago.

Q. Was he talking about Jonathan R. Davis, too?—A. No.

Q. You know, my question is to give me the names of the bank officers that you know to be bank officers in Hazleton that talked to you about Mr. Davis?—A. No; you didn't. You asked me those whom I knew were bank directors.

Q. Well, will you give me the names? The names of the bank officers in Hazleton?—A. I don't know absolutely any others of officers of the banks in Hazleton.

Q. Will you give me the names of the men, officers in the bank in Hazleton—those officials that talked to you about Mr. Davis?—A. I gave you Mr. Pardee.

Q. Is that all you can give?—A. That is all I can recall that spoke of Mr. Davis.

Q. You were asked to give here the amount of your personal expenses in this campaign, the general election, and you said you could not do it without having certain books here. The cash book, I think you called it. Have you that cash book here now?—A. No.

Q. Why?—A. You told me that you didn't care for anything but the check book; that I could leave that book and the journal at home, if I brought down the check book.

Q. No; I did not.—A. Yes; you did, but I have looked at my book.

Q. Can you talk from the books now? We looked at it, too. Can you, after the primaries, which I think were June 4, 1910, can you tell me what your personal expenses were in that canvass up to?—A. I can't without reference to that book. I will explain that answer. All the money spent for any expenses is, first, expense in the office, any petty expense—a check is first drawn to my order or to the order of the cashier, and it is then cashed in the bank—

Q. This statement has no bearing upon the question put to the witness, and I object to the witness lumbering the record with a lot of his twaddle.

WITNESS (continuing). This check is then cashed and deposited with the cashier, and then whatever items of petty expense are incurred are charged against the total as drawn from the bank in the form of checks.

Q. I will return to my question and ask you if you can give us, even approximately, the amount of your personal expenditures in your campaign?—A. No, sir.

Q. You can not?—A. No. For a great many years, while I was away from home, I kept an itemized cash account which was duly turned into the office and credited against the money they gave me; but for the last 8 or 10 years they gave me whatever I asked, and I didn't keep any account of my expenses personally.

Q. Will that cash book show?—A. Only in lump sums, as given to me.

Q. It will show it?—A. Yes, it will; every dollar.

Q. You will please have it at the next hearing, as I have told you to bring it a dozen times.—A. I have brought here to-day—I have brought it here to-day, day in and day out, and you will only ask me a couple of questions and send me back home to bring it back again. It was here on Saturday, and I entreated you to examine me on it then, so I could have it for use in the office.

Q. At one hearing in the past you spoke of purchasing from Mr. Davis an automobile or taxicab for \$700?—A. Yes.

Q. When was it that you bought that automobile from him?—A. I drew the check on November 14.

Q. Where was the taxicab at that time?—A. He told me that it was in Moore's garage in Kingston, or Dorranceton.

Q. Did you see it there in Moore's garage?—A. No, sir.

Q. Had you ever seen the taxicab?—A. Yes.

Q. When?—A. When Mr. Shepard owned it, at Pittston.

Q. When was that?—A. It might have been six months or so before that.

Q. Where was it in Pittston that you saw it?—A. Running around the streets.

Q. Just as you saw any other taxicab?—A. Yes.

Q. Where is that taxicab now?—A. In Moore's garage.

Q. What is it doing there?—A. Being fitted up.

Q. Have you seen it since you bought it?—A. No, sir.

Q. You desire to go on record as part of your testimony that you paid and bought a vehicle of this character for the large sum of \$700 without having seen it except on the street six months before, and that you have never seen it since?—A. Yes, sir; I do.

Q. That is right, is it?—A. That is right. In explanation I will say that I asked Mr. Davis what there was in the garage. First he asked me; he said: "You are going to Washington?" and I said, "Yes, I believe so." He said, "Are you going to take your horses?" I said, "No; I will take my automobile." And he said, "I would like to sell you the taxicab that I have;" and I said, "How much do you want for it?" and he said, "I paid \$600 and I placed upward of \$150 on it, but I will sell it to you for \$700," and I said, "That is all right;" and he said, "Furthermore, I will fix it up for you."

Q. And you paid no attention to it since?—A. No; only I told him to get it fixed up toward spring, so that when I put my big car in to be fixed I could use it. And he told me that he would arrange with Mr. Moore so there would be no storage on it.

Q. Did you pay any attention to the taxicab since you bought it?—A. No, sir.

Q. Did he tell you from whom he bought it?—A. No, sir.

Q. You didn't know from whom he bought it?—A. No.

Q. How did you know that it was the taxicab that Shepard had?—A. He said that it was a National taxicab, and Shepard had one.

Q. He told you that?—A. Yes.

Q. What did Shepard do?—A. Carries passengers about.

Q. It was used for conveying people, was it?—A. Yes.

Q. Like a bus?—A. It was an ordinary taxicab.

Q. And that is all you know about it?—A. Yes.

Q. And, as a matter of fact, when you bought that taxicab for \$700, you didn't know whether it was worth \$700 or only \$50?—A. Yes; certainly I did. Didn't I tell you that he told me that he paid \$600 for it? What is the matter with you? How many times do you want me to tell you about that?

Q. Of your own knowledge you didn't know whether that taxicab was worth \$50 or \$100?—A. Yes; from knowledge communicated to me through Mr. Davis.

Q. Then the only way that you knew it was that Mr. Davis told you that he paid \$600 for it?—A. Yes; his word was good for \$600 or \$6,000.

Q. It must have been good for \$60,000?—A. Yes; and it is good now.

Q. Then all the knowledge that you had of that taxicab was that Jonathan R. Davis told you that he paid \$600?—A. Yes; and that he spent on it \$125 or \$150; and, furthermore, he would see that it was fixed up.

Q. And that was all the knowledge that you had?—A. Yes.

Q. And how much it required to be fixed up you didn't know?—A. No.

Q. And whether it could be fixed up as good as new you didn't know?—A. He didn't promise to fix it up as good as new.

Q. When you did buy it you knew that it could be fixed up as good as new?—A. I knew it could be fixed up as good as new.

Q. How did you know that?—A. I knew the parts could be replaced.

Q. How did you know there were any parts needed?—A. I didn't; but I knew that it could be made over new.

Q. Did you know that there were any parts on it?—A. I knew it was there and in running condition.

Q. Where?—A. In Moore's garage.

Q. How did you know that?—A. Because he told me.

Q. But all the knowledge you had was what Jonathan Davis told you; the vendor; is that right?—A. That is right.

Q. Did you know whether Jonathan Davis had any experience with purchasing these taxicabs, or that he ever owned one, except this one in Moore's?—A. No; he told me that he had never owned one, but had been looking at one.

Q. You have produced here your bank book with the only bank you say you did business in during this canvass, is that right?—A. No, sir.

Q. Is there any other bank in which you did business?—A. That is a personal account.

Q. I am talking about any moneys drawn by you. I asked you whether it was in your personal account or in the account of some other party against which account you had the right to draw checks?—A. And I told you that the

only account from which I had the power to draw checks was the First National Bank of Pittston, personal, but I had at times borrowed money in other banks and probably drew a check and deposited it to this account. Everything that goes through this account is a personal matter.

Q. I want to get this straight. I want to know from you—A. You never saw a straighter account in your life than that.

Q. I want to know if there was any bank outside of the First National that you drew a check?—A. I never drew a check during this interval, excepting as I drew it upon a discount, which I might have made, and transferred the check to the First National to this account.

Q. Then, as I understand you, if you went to another bank and got a note discounted you would draw your check against that discounted note and have that money turned in through the check to the First National Bank, is that right?—A. Yes.

Q. And all the moneys outside of these discounts which you have produced here, all the moneys you drew checks against, were checks drawn against your personal account in the First National Bank of Pittston?—A. Yes; and I never drew any checks personally there. They are all drawn by my bookkeeper or my wife. She has power of attorney and has had since we were married. She always had the same power to draw checks as myself.

Mr. LENAHAN. Oh, we object to this kind of stuff.

Q. Had you a savings account in the First National Bank?—A. No; I don't think I had. I don't recollect of any.

Q. Had you a savings account in any other bank?—A. No; I don't recall any other, except in the name of the Soldiers' Relief Association, and I had the first moneys in connection with the twin-shaft disaster—that was in my name.

Q. I am asking you about 1910.—A. You didn't say what date.

Q. You knew very well what I meant. You will get in that twin-shaft disaster as though you were a hero.—A. I did the best I could.

Q. Now, during 1910, did you have any savings account in any bank, anywhere?—A. Not that I recollect.

Q. Was there any savings account in the name of anyone else that you drew from?—A. No, sir.

Q. From no one?—A. No; except I may have drawn money from my wife's.

Q. Please read the question to the witness.

(The question was read as follows:)

"Was there any savings account in the name of anyone else that you drew from during 1910?"

A. I may have drawn something from her.

Q. Did you draw anything from your wife's account to use in this political campaign?—A. No.

Q. You are sure of that?—A. I am sure.

Q. I would like to have your wife's saving account down here at the office—A. I have no control over her savings account.

Q. If you don't bring it down I will have the bank officers come down.—A. I am perfectly willing for you to do that. Have them bring down every account that I have. I am perfectly willing to have everything opened up. You can have the office waste basket if you want it.

Q. We have been after some checks here and you don't bring them.—A. That is by advice of counsel. As soon as he tells me to bring them I will bring them.

Q. You are continually volunteering information. As I said before, you are filling up this record.—A. You are filling up this record, and I am going to help you do it, Johnny.

Q. I see a check here given by you to Rev. J. W. Vavolo, with the following on the margin of the check book: "For Publication for Improvement of Italian Citizens." Where does Rev. J. W. Vavolo live?—A. He is pastor of the Presbyterian Mission at Pittston.

Q. Does he publish a newspaper?—A. He started to at that time.

Q. Does he publish a newspaper?—A. I don't know now whether he does now or not.

Q. Did he publish a newspaper during your canvass?—A. He started a paper at that time.

Q. Did he publish a newspaper during your canvass?—A. Well, he published one or two issues, as far as I know.

Q. Your picture appeared in it, didn't it?—A. Yes.

Q. With a laudation of you?—A. I didn't read it.

Q. I am not asking you whether you read it or not. You know that there was a laudation of you.—A. I trust it was a laudation; but I don't know, as I didn't read it.

Q. Did anyone tell you that there was an article in there highly commending you, accompanying your picture?—A. No.

Q. You saw your picture there, didn't you?—A. Yes.

Q. Did he send it to you?—A. Yea.

Q. How long was it after or before you gave him the check for the improving of the Italian citizens?—A. I can't recall.

Q. Was it before or after?—A. I think that it was after.

Q. This appeared after you gave him the check?—A. I think so.

Q. What does "chty" mean?—A. You understand, I didn't write any of these stubs.

Q. Have I mentioned that?—A. It is very important. You see after I got home—I didn't write that stub.

Q. What does "chty" mean?—A. I think that it is an abbreviation of charity.

Q. When you gave money to people you sometimes put in "chty," did you, or your cashier or bookkeeper did it, and again you put in the word "duty," or to be accurate so there will be no mistake, had your bookkeeper or cashier or your girl put it in for you?—A. Please read the question.

(Question read.)

A. My bookkeeper put on the stub what she thought was the proper entry for any kind of a check. I had nothing to do with it.

Q. What was the distinction between "duty" and "charity"?—A. I don't know.

Q. You never asked her?—A. No, sir; I did not, she has complete control of the books since she has been there and I never look into her journal, never looked until this contest was started. I never saw the inside of its pages.

Q. This is the check book, it isn't her journal?—A. Not the check book, excepting when she was away I wouldn't draw a check in three or four or six months. My wife drew the checks when she was away.

Q. You don't know what the distinction was, that your clerk or your bookkeeper drew between "duty" and "charity"?—A. No; I do not.

Q. And you never asked her?—A. No.

Q. Did you tell her what this money given to Rev. Vavolo was for? [Handing check to witness.]—A. I don't think that I did.

Q. Do you know S. A. Bogert? You signed that check, did you not? [Shown check.] It is dated September 30, 1910.—A. I signed that check; yes, sir.

Q. What was that check for?—A. I don't know.

Q. I will let you look at the stub.—A. That was posting cards in the country west of Shickshinny.

Q. Let me see. That was for you in your campaign?—A. Yes.

Q. Mr. Bogert lives where?—A. Either Town Line or Town Hill.

Q. How far is that from your residence in Pittston?—A. Must be 35 or 40 miles.

Q. Thirty or 40 miles?—A. Yes, sir.

Q. That check was signed by you and sent by you to Mr. Bogert?—A. It was mailed.

Q. Where did you become acquainted with Mr. Bogert?—A. He was the father of a young man working for me around the place.

Q. Who told your cashier or your bookkeeper to put on there "for distributing political cards"?—A. I don't know.

Q. Did you tell her what that check was for?—A. No.

Q. How did she know what the check was for?—A. She knew we had taken these cards over there for him to distribute. They were sent down. I don't recall now whether or not he got them here in Wilkes-Barre, or at the printing office; I am not sure of that.

Q. If he got them in Wilkes-Barre here, she would not know that, would she? You know that he got them?—A. Telephoned that he got them.

Q. But you knew that he got them?—A. I know that we had a telephone conversation regarding them. I didn't know absolutely that he got them until the bill came to the office.

Q. Then he sent a bill?—A. No; I don't recall that he did. I know that we had a telephone conversation. He telephoned to me and I telephoned to him, and I asked him if he could take care of it, as I recall now, but it was so far

back, and there were so many things that it is hard for one to recall all the details.

Q. It is not so very far back.—A. Don't interrupt me. When a man—permit me to answer you in the best and the most intelligent manner that I can. As I recollect it now, I called him up on the telephone and asked him if he had time to post some cards in that section, and he said, yes. And my recollection is now he was to get the cards sometime when he was in Wilkes-Barre, as he brought produce into the city. That is my best recollection.

Q. Did he send you a bill afterwards?—A. I don't recall that he did.

Q. How did you come to send him a check for \$15?—A. He communicated with me in some way that it was what it was worth.

Q. She made this check out after your election?—A. It may have been drawn while I was away.

Q. Is that indorsement on the stub of the check correct that she made there? Answer yes or no?—A. Personally I don't know.

Q. I am asking you this. If you want to say you don't know, very well, do you say that you don't know whether what she put on here "Distributing political matter," is correct or not?—A. I don't know. I will add that if posting portraits of candidates is distributing political matter, then that entry is proper.

Q. Don't you know that was distributing political matter—posting candidates' portraits?—A. I don't know what you would call it as a lawyer.

Q. As an intelligent man, don't you know that posting portraits of the candidates for office, no matter who did it, is distributing political matter?—A. No; I don't. I would say that it was putting up political posters or portraits.

Q. You paid this man \$15? Did you pay him that in pursuance of a bill he sent you?—A. I don't recall that.

Q. Tell how you came to pay him that \$15?—A. I told you that I don't recall.

Q. Did he tell you how many days he was at it?—A. I think that he did.

Q. How many days was he at it?—A. I don't know.

Q. Where did he tell you that?—A. He may have by phone.

Q. I didn't ask you that.—A. I told you five or six times that I don't know whether he sent a bill or not.

Q. That is the reason for examining you. He could have otherwise have told you without sending a bill. You don't know how many days he was engaged in that business, do you?—A. I think I did, but I don't recall, and that is what I told you.

Q. Where and how did he tell you?—A. I told you that I didn't recall.

Q. Don't you know where he told you?—A. No.

Q. Did he send you a written bill?—A. I told you several times that I didn't think that he did, but I am not sure of that.

Q. Then how did your clerk put down here—put down this, "for distributing political matter," unless you dictated it?—A. Because she may probably overheard the conversation on the phone.

Q. Then while you were talking to him this cashier may have had her ear cocked to hear what you said to him?—A. I didn't say anything like that. I didn't say anything about her having her ear cocked.

Q. Well then, what was it?—A. She might have been able to hear.

Q. Is that the best answer that you can give?—A. That is the best; yes, sir.

Q. Tell me the purpose for which you gave this man \$15?—A. I believe that he earned the money.

Q. In what respect did he earn the money?—A. In putting up posters containing my portrait, and in distributing cards at Shickshinny—I mean in the district west of Shickshinny.

Q. How many of your portraits did he put up?—A. He told me that he had used his time—let me see if I can't recall that. I think that he had been the better part of a week at that. That is the most that I can recall about that.

Q. Where did he tell you that?—A. Over the telephone.

Q. Now that you have a recollection of the bill that he told you—A. Not very definite; I am just trying to help you all I can.

Q. You have done that.—A. Not very definite.

Q. But a part of a week is what he told you that he was at work?—A. That is the best of my recollection. It is not very definite.

Q. Did you or he fix the \$15?—A. I think that he did.

Q. He told you that he wanted \$15 for it, did he?—A. He told me that \$15 would cover the labor that he expended in connection with the posting the bills.

Q. You remember his telling you those things don't you?—A. That is as close as I can recall it.

Q. You remember that?—A. As close as I can recall it; yes, sir.

Q. Did you draw any counter checks against your account?—A. I don't know what you mean by that.

Q. Checks that don't appear upon the stubs?—A. No; not on your sweet life.

Q. Look at that. Does that appear on the stub?—A. Is that what you call a counter check?

Q. That is a check that don't appear on the stub?—A. My bookkeeper didn't do that, if she did she would not hold her job a minute.

Q. Why, how do you know that. You don't pay any attention to your books, at least that is what you told me.—A. I know, because of the balance, and they have balanced for 25 years, and you know it. Now, don't you get crazy. Here on page 152, Charles Guscott, check No. 10; page 112, one for \$2, and an additional for \$8; making a total of \$10.

Q. Does that show that you gave a check October 6?—A. I might find it on the other page. It is entered here, Charles Guscott, hotel bill, Hazleton, \$2, and referring to page 152, Charles Guscott, check No. 10, page 112, only shows \$2.

Q. Is there anything to show that you issued a check to Charles Guscott October 6?—A. No, sir.

Q. There is nothing in your check book dated October 6, on the stub of your check book, showing that you issued this check to Charles Guscott, is there?—A. No; there being no other entry, that presumably is the check.

Q. That is an argument?—A. That is a plain statement.

Q. This was paid for some political purpose, was it not?—A. Not; no, sir; it was not.

Q. What was it paid for?—A. The entry states what it was paid for.

Q. Is there anything about that entry to state what the check was for?—A. Because I didn't have any money.

Q. Did Guscott cash that check?—A. Yes, sir; he gave me the money on the check.

Q. And you paid out of that check how much?—A. Hotel bill or anything else. The bookkeeper has entered that hotel.

Q. I don't care what the bookkeeper has.—A. My recollection is that I brought a considerable part of that \$10 back home with me.

Q. That is your recollection of it, is it?—A. Yes; and I have done my best to refresh it since the occurrence.

Q. Are there any other checks drawn by you that don't appear upon the stubs?—A. Not that I recollect.

Q. Who is Sidney Bowman?—A. A very distinct cousin of mine. The proprietor of the Sidney B. Bowman Automobile Co. in New York City.

Q. I show you a check dated October 17, 1910, for \$900. What is that?—A. Repairs on my automobile.

Q. In New York City?—A. Yes; I will bring you the invoice if you want it to cover that item.

Q. You have the invoice for that?—A. Yes.

Q. Did Sidney B. Bowman ever live in Luzerne County?—A. Yes.

Q. Has he acquaintance in Luzerne County?—A. I think that he has among the automobile men. They will vouch for him that he is good for \$900, and more than that, and he is as honest as any other Bowman that I ever knew.

Q. Who is E. L. Bowman?—A. That is my wife. My mother is E. S., and sometimes the "S" is made like an "L."

Q. At the next hearing you will bring down all your books, and so that there will be no misunderstanding about it, I want you to bring the journal, that you say contains certain entries. The cashbook showing the moneys that were paid to you from time to time through your office, and I would like you also to bring these check books and checks—you say that you won't bring them unless your counsel says so—that relate to a period ante-dating August 30, 1910, from the primary up to that time.—A. That is in accordance with your original remark and summons.

Q. Yes.—A. I will bring them, but I won't produce them as testimony unless directed by my senior counsel, Judge Wheaton, so to do.

(Hearing adjourned until 10 a. m. Wednesday, March 8, 1911.)

WEDNESDAY, March 8, 1911.

Hearing resumed at 10 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., counsel for contestant; John E. Jenkins, Esq.; Arthur L. Turner, Esq., commissioner for contestant; C. C. Bowman, contestee, in person; Evan C. Jones, Esq., counsel for contestee; John H. Dando, Esq.; John A. Opp, Esq., contestee's commissioner.

To Hon. Charles C. Bowman, contestee above named, or Hon. Frank. W. Wheaton and Evan C. Jones, Esq., his attorneys:

You are hereby notified that on Wednesday, the 8th day of March, 1911, at 10 o'clock in the forenoon, at the office of W. S. McLean, Esq., No. 718 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111, of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

William A. Wallace, Hiram H. Smith, Nathan Jones, Asher Miner, and Thos. H. Price, Wilkes-Barre, Pa.; T. L. Newell, Kingston, Pa.; Henry W. Merritt and Harry Eaton, Plains, Pa.; Frances J. McCanna, John Kehoe, and James A. Joyce, Pittston, Pa.; Ernest G. Smith, Wilkes-Barre, Pa., and Robert Milligan, Plains, Pa.

GEORGE R. MCLEAN.

Services accepted March 6, 1911. Evan C. Jones, attorney for contestee.

JOHN KEHOE, called on behalf of contestant, and sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Mr. Kehoe, you live in the city of Pittston?—A. Yes, sir.

Q. And you are the city treasurer there?—A. Yes, sir.

Q. I show you an article of the issue of October 14, 1910, in the Nanticoke News, and ask you whether you saw that article at any time before now?—A. I did; yes, sir.

Q. After seeing that article—

Mr. JONES. Will the counsel for the contestant state upon the record the purpose of the examination of this witness?

Mr. LENAHAN. We do not think that it is essential to state what the purpose is. The purpose, when the testimony goes in, will show of itself what it is.

Mr. JONES. The examination of this witness is objected to as to any matter appearing in the Nanticoke News of the date of the issue of October 14, 1910, as being immaterial and irrelevant in this inquiry; second, it being no part of the notice of the contestant served in this case upon the contestee.

Mr. LENAHAN. To which we say that the testimony of this witness, when it is recorded in this case, will appear that it is very material under some of the allegations on the part of the contestant.

Q. Mr. Kehoe, whether or not a short time after you read this article you met Mr. Bowman?—A. Yes, sir.

Q. How long afterwards?—A. I can't say exactly, but it was after registration day, anyhow; I remember that.

Q. Registration day in the State of Pennsylvania, in your city?—A. Yes, sir.

Q. Did Mr. Bowman come to your office?—A. He came there to see about somebody's taxes; wanted to register them. I am not sure now whether the party was assessed or whether they paid taxes that day, but I would not allow them to register because the taxes were not paid long enough. It was something like that, anyhow.

Q. What was the conversation you had at that time?—A. Mr. Bowman came to see me regarding a tax receipt, and we had charged some one—it was one thing or another, with regard to that—and I called his attention to that article in the paper.

Q. You called Mr. Bowman's attention to the article in the Nanticoke News of October 14?—A. Yes, sir; I told him that I was a Democrat; that it should not have appeared there, and I wanted it taken out.

Q. What did he say to that?—A. I can't say really what he did say; it is a long while ago, and I can't recollect.

Q. But you called his attention to the article?—A. Yes.

Q. And you said that you were a Democrat and wanted it taken out?—A. Yes; and I also called the attention of Mr. Callery to it.

Q. Mr. Callery, the editor of the paper?—A. Yes, sir.

Mr. LENAHAN. We now offer in evidence the article, which reads as follows (counsel reads):

"Bowman visits Nanticoke."—Hon. C. C. Bowman, of Pittston, the Republican candidate for Congress, spent a couple of hours in town on Wednesday. He made a very favorable impression on all whom he had the pleasure of meeting. There is but little doubt Mr. Bowman will carry Nanticoke by a handsome majority. The people in this part of Luzerne County are learning more about Mr. Bowman every day, and the more they learn the more they admire him. The attempt made by some political tricksters to array the saloon men and the liquor interests against Mr. Bowman has proved futile. The question of local option will never be heard of in the House of Congress. Should such a measure be introduced, the reputable, law-abiding liquor dealers can trust Mr. Bowman. We know his neighbors in Pittston can trust him. If you doubt this assertion we refer you to Brewer Dick Hughes and Liquor Dealer John Kehoe."

Q. Was this the last registration day before election?—A. I think so, but I am not positive.

Cross-examination by Mr. JONES:

Q. You say that you asked Mr. Bowman to have your name withdrawn from that article?—A. Yes, sir; I said it should be taken out.

Q. Because you were a Democrat?—A. Yes.

Q. And that was your sole objection?—A. Yes.

Q. And you were interested in Mr. McLean's behalf?—A. Yes.

Q. You are the city treasurer of the city of Pittston?—A. Yes.

Q. Did you speak to Mr. Bowman in your office or by telephone?—A. I think that I spoke to him—

Q. Wasn't your conversation with Mr. Bowman, Mr. Kehoe, relative to an article which appeared in the Pittston Gazette that you had promised to give McLean a larger majority than any Democrat had ever received in Pittston?—A. I can't just recall that.

Q. Wasn't your conversation with Mr. Bowman, Mr. Kehoe, about that article?—A. I can't recall that.

Q. You won't swear to that?—A. Repeat the question, please.

Q. An article appeared in the Pittston Gazette, didn't it, which you saw, saying that you had promised to give Mr. McLean a larger majority than had been given to any Democrat before in Pittston?—A. There has been so much took place that I can't recall this thing.

Q. Wasn't that the article about which you had the conversation with Mr. Bowman over the phone?—A. I am not positive about that.

Q. But you say that the only objection you had to any article was that you didn't want your name to appear as though you seemed to be an advocate of Mr. Bowman's candidacy, you being a Democrat?—A. Yes, sir.

Q. And as a consistent Democrat you didn't want to appear in the paper that you were advocating the candidacy of Mr. Bowman?—A. Yes, sir.

Q. Because you were a supporter of Mr. McLean's candidacy?—A. Yes.

Redirect examination by Mr. LENAHAN:

Q. How long before he came to you on registration day did you call his attention to the article in the Nanticoke News over the phone?—A. I haven't the least idea. I was so busy most of the time that I can't recall all of this; but the only conversation I have any recollection of is the one on registration day—that I can remember.

Recross-examination by Mr. JONES:

Q. The last of the article says: "We know that his neighbors in Pittston will trust him. If you doubt this assertion, we refer you to Brewer Dick Hughes and Liquor Dealer John Kehoe, of Pittston." You are a neighbor of Mr. Bowman?—A. Yes, sir; I am.

Q. And you have known him practically all your life?—A. Yes.

Q. And when you asked to have your name withdrawn, you asked it, not because you were opposed to Mr. Bowman but because you were a Democrat and didn't want to be a party advocating his candidacy or be put in that position?—A. That is it; I was a Democrat?

Q. And it was not because you would not trust him?—A. No, sir.

Redirect examination by Mr. LENAHAN:

Q. The point is this, that you didn't want it to appear that as a liquor man, as a man engaged in the liquor business, and a Democrat, you were advocating the election of Mr. Bowman?—A. Well, it had been rumored about different times that Mr. Bowman was friendly to local option.

Q. What I mean is this: Mr. Jones has said that you were a neighbor of his and didn't distrust him as a man?—A. That is the idea.

Q. What I mean is this: You didn't want to have your name mentioned in connection with anything that would appear as though you were giving support to Mr. Bowman?—A. No; I didn't want that.

Q. And that was the inference that you drew, wasn't it?—A. That is it exactly.

ERNEST G. SMITH, called on behalf of contestant and duly sworn.

Examination by Mr. JENKINS:

Q. You are the editor of the Wilkes-Barre Times-Leader?—A. General manager; yes, sir.

Q. And you were, during the last campaign, chairman of the Keystone Party in Luzerne County?—A. Yes.

Q. Do you recall a meeting of the Keystone Party at which Mr. Bowman appeared before the committee upon the committee's invitation?—A. Before a committee of the Keystone Party; yes, sir.

Q. And Mr. McLean appeared at the same time, at the same meeting, upon an invitation of the committee?—A. Yes, sir.

Q. What was the subject matter which brought these gentlemen before the committee? What was the purpose of the committee and the gentlemen appearing there? What was the question?—A. The question of whether or not the committee should endorse either.

Q. That is, either Mr. Bowman or McLean?—A. Yes, sir.

Q. As the Keystone Party's candidate for Congress at that time?—A. Yes.

Q. When Mr. Bowman was before the committee making his statement do you recall any remark that he made concerning taking a bath, "When C. C. Bowman takes a bath," and so on?—A. Yes; I think that I recall something of that kind.

Q. Can you state the expression that he used at that time before the committee?—A. I don't know that I could exactly—the exact words—but it was something to the effect when C. C. Bowman starts to take a bath he is not satisfied with washing his feet. That was about the substance of what I heard, but whether that was the exact wording or not I don't recollect.

Q. You have given the substance of the language as it appeared in an editorial in the Times-Leader within two weeks, isn't it?—A. Yes, sir; I think so.

Q. Did you write that editorial?—A. Yes.

Q. Can you state, if you recall, the connection in which that statement was used, made by Mr. Bowman to the committee?—A. I think, as I recall it now, that it related to Mr. Jonathan R. Davis in his connection as campaign manager. I don't exactly recall what brought the question up of money, but something did in the course of the questioning of the committee, and, as I recall it, Mr. Bowman said that he had called Mr. Jonathan Davis on the telephone and that Mr. Davis didn't want to accept the office of campaign manager, and that after some further talk Mr. Davis said to him that it would cost a great deal of money, or considerable money, a campaign of that sort; and that led up to the further remark about the bath proposition.

Q. That he had made that reply to Mr. Davis?—A. Yes.

Q. As you have given it in substance?—A. That is my recollection; yes, sir.

Q. I will ask you, Mr. Smith, when Mr. Bowman made that remark or statement, he didn't say that when he took a bath he did not simply take a foot-bath, that he added that he took a bath all over; took a souse, or words to that effect?—A. No; I don't remember that.

Q. You don't recall that?—A. No.

Cross-examination by Mr. JONES:

Q. See if I can refresh your recollection as to the talk. Mr. Bowman said that he had a talk with Jonathan R. Davis over the telephone. Didn't he state to you, in committee assembled, that when he called Mr. Davis over the phone that was his first announcement of his candidacy to Mr. Davis?—A. I am not certain on that point.

Q. Didn't he say that Mr. Davis told him not to be too quick about getting into the political fight?—A. No; I don't remember that.

Q. And didn't he say that Mr. Davis said to him, didn't Mr. Davis say, or rather didn't Mr. Bowman say: "I have made up my mind and I am going ahead. When C. C. Bowman takes a bath he doesn't stop at washing his feet?"—A. There was something said, but whether that preceded or followed I don't know. As I recollect it, Mr. Bowman said that he had made up his mind and he was going ahead.

Q. Didn't he then tell you that Mr. Davis then said to him: "You are quite a plunger"?—A. No; I don't remember the word "plunger."

Q. And then he said to him, "When C. C. Bowman takes a bath he doesn't stop at washing his feet"?—A. No; I don't remember that.

Q. You were chairman of the Keystone committee in this county last fall, last election?—A. Yes.

Q. The Keystone movement was a movement independent of the two old parties?—A. Independent of the one combined old party; yes, sir.

Q. And that is your theory of it?—A. Yes; and more than a theory, too.

Q. And you took an active interest, of course, in the campaign as such chairman?—A. Yes.

Q. Did you ask Mr. Valentine, the district attorney of this county, to send to certain polling places on election day, in this county, representatives of the State constabulary?

MR. LENAHAN. Objected to, for the reason that it is not cross-examination; it is a part—if it be true—it is a part of the contestee's case in chief, and should not be admitted at the present time, for the special reason that any examination along this line, being a part of the contestee's case in chief, it is calculated to absorb the time that belongs to the contestant in the taking of testimony on his side.

Q. Now, Mr. Smith, please answer the question?—A. I did.

Q. You were not interested in Mr. Bowman's behalf in so doing?—A. No, sir; not at all.

Q. You were not interested in any way in Mr. Bowman's behalf during the election, you were entirely independent in the congressional fight?—A. Absolutely.

Q. There are other matters I want to ask you about when we come to our side of the case.—A. Very well.

JAMES A. JOYCE, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. You live in the city of Pittston?—A. Yes, sir.

Q. And you have for 30 or 40 years?—A. All my life.

Q. Were you a member of the Keystone County committee in the election held last fall; that is, 1910?—A. Yes.

Q. Were you present at the meeting of the county committee held at the Hotel Sterling, before whom appeared Mr. Bowman and Mr. McLean?—A. Yes, sir.

Q. You heard the statements made by both of these gentlemen to the committee?—A. Yes, sir.

Q. The purpose of the appearance on the part of these two gentlemen, upon invitation from the Keystone committee, had reference to the possible endorsement of one of them as the Keystone candidate for Congress?—A. Yes, sir.

MR. JONES. Counsel for contestant objects to all of this testimony, as well as to the testimony of Mr. Ernest G. Smith, the preceding witness, relative to what transpired at the Hotel Sterling at any time during the last campaign, for the specific reason that it was not set forth in the notice of contest in this case.

MR. LENAHAN. This is offered for the purpose of showing the pronouncements and declarations of Mr. Bowman, the contestee, that he was prepared when he went into the caucus to spend large sums of money to secure his election, being

in corroboration of the testimony that we have offered that he did actually spend large sums of money.

Q. Now, Mr. Joyce, I direct your attention to the statement made by Mr. Bowman. Mr. Joyce, I will ask you whether you recall an expression used by him with reference to taking a bath. Do you recollect such an expression used by him?—A. Yes.

Q. Just state what his language was at that point of his statement as you recall it.—A. Mr. Bowman said, as I recall it, that he had attended a meeting of the mining institute at the Y. M. C. A.—

Q. Give us the language, that particular passage of his language, then I will ask you a question detailing the circumstances.—A. Yea; he said, "When C. C. Bowman takes a bath he don't stop at washing his feet."

Q. Is that the whole of it? Do you recollect whether he said he took a bath all over or took a "souse"?

Mr. JONES. Objected to as putting the words into the mouth of the witness.

A. I don't remember the word "souse," but the inference was that he went up to his chin—went in up to his chin.

Q. Will you state the connection in which that language was used? What was Mr. Bowman stating or what circumstance was he describing at the time to call forth that remark?—A. He said that he had attended a meeting of the mining institute at the Y. M. C. A. at Pittston and that several of the mine foremen got around him and said: "You are the man to run for Congress. Mr. Palmer won't be a candidate now; you are the man." He said, "I can't give you an answer until I speak to my life partner" meaning his wife; and he consulted her, and she said, "Yes; go in, and if defeated you won't be angry; I know that." Then he called up Mr. Davis, and Mr. Davis said, "This is going to be an expensive affair; there are 310 polling places in Luzerne County;" and then Mr. Bowman said, "When C. C. Bowman takes a bath, he doesn't stop at washing his feet."

Mr. LENAHAN. What mining institute was this that he said he was present at?—A. A meeting of the mine foremen, I think.

Q. The mine foremen of Luzerne County, was it?—A. It may have been of the upper district.

Q. What did he say those mine foremen wanted him to do?—A. Become a candidate for Congress.

Cross-examination by Mr. JONES:

Q. Don't you know there is no such thing in this county as a meeting of the mine foremen?—A. I think there is—a meeting of the mining institute.

Q. Do you know what the mining institute is?—A. It is composed of mine foremen; that is what I thought it was.

Q. Is that your idea of the mining institute?—A. Yes.

Q. You say that several men at the meeting asked Mr. Bowman to become a candidate?—A. Yes, sir.

Cross-examination by Mr. BOWMAN:

Q. Mr. Joyce, do you recall that, in connection as I stated the matter, it was in this way: I was attending a meeting of the Miners' Institute at the Pittston Y. M. C. A., and I was called out of that meeting and asked if I would become a candidate for Congress. Do you remember it now as I stated it to you?—A. No, sir; my recollection is that after the meeting was over these men there that were attending the Miners' Institute got around you and said, "You are the proper man to be a candidate for Congress." That is my recollection of it.

Q. Let me try and refresh your memory again as to what I said at that time. When I said that I called Jonathan R. Davis on the phone, and I announced to him that I had been asked to become a candidate for Congress and decided to do so; he responded; he said, "You had better wait awhile; I don't want to take charge of a campaign now, as my wife doesn't want me to have anything to do with it," and then I told him that I made up my mind, and then I responded that when I was prepared to take a bath I didn't go in to wash my feet, and he then said to me, as I recall it, "You are quite a plunger." No; before that he said that. Do you recall that?—I don't recall the word "plunger."

Q. I don't recall that I used that word, but I made it appear that I had made up my mind, and he asked me to wait. Do you recall that afterwards at his office I had a conversation with him, and then he told me that there were 311 polling places and that the custom in this county was to give \$10 in each ward, and that would amount to over \$3,000; beside there was the additional expense

of advertising, postage, etc., and that I then told him that whatever was necessary to properly carry on the campaign I would furnish. Is that about as I stated it?—A. I think that is about what you said.

ROBERT MILLIGAN, called on behalf of the contestant and duly sworn by Commissioner Turner:

Examined by Mr. LEAHAN:

- Q. Mr. Milligan, where do you live?—A. In Plains Township.
 Q. What is your business?—A. Miner.
 Q. How old a man are you?—A. I am in my sixty-fifth year.
 Q. Do you know Harry Merritt?—A. Yes.
 Q. What position does he hold in Plains Township?—A. He is a druggist.
 Q. What other position?—A. He is postmaster.
 Q. How long has he been postmaster?—A. I couldn't say as to that.
 Q. He has been in that position over a year?—A. Four or five years.
 Q. Did this postmaster pay you any money for election purposes at the election last fall?—A. He paid me for watching at the polls.
 Q. Did this postmaster pay you any money for election purposes for the election last fall? Please answer that question.—A. Yes, sir.
 Q. How much did he pay you?—A. \$5.
 Q. Did you go to his place for it?—A. I went to his place after the election and got the money.
 Q. He paid you the money after election?—A. Yes, sir.
 Q. But not before?—A. No, sir.
 Q. What was the talk you had with him before election?—A. He wanted me to be a watcher at the polls.
 Q. The postmaster did?—A. Yes, sir.
 Q. And he said he would pay you for it?—A. Yes.
 Q. And he did pay you?—A. Yes, sir.
 Q. The postmaster?—A. Yes, sir.
 Q. For standing at the polls?—A. Yes.

Cross-examination by Mr. JONES:

- Q. Mr. Merritt asked you to work in the interest of the Republican Party on election day?—A. He didn't ask me to work for no one, but said the party wanted me to go there as a pollman.
 Q. The Republican Party?—A. Yes, sir.
 Q. And you were at the polls all day?—A. Yes.
 Q. Doing what you could to get the votes out?—A. I was there to watch that there was no illegal voting done.
 Q. And that evening, after the election was over, you went to Mr. Merritt and got your pay?—A. Yes.

HENRY W. MERRITT, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. LEAHAN:

- Q. You are postmaster?—A. Yes, sir.
 Q. Where?—A. Plains.
 Q. And you have been how many years?—A. Five years.
 Q. Do you know Mr. Milligan?—A. I do.
 Q. When did Mr. Milligan come to you first to talk about being active at the polls; how long before election?—A. A day or two before.
 Q. What did you say to him at that time?—A. I told him that I had been asked to get poll men in that district, and I asked him if he would serve.
 Q. Who asked you to get poll men?—A. The district chairman.
 Q. Who is he?—A. Mr. Gomer Morgan.
 Q. And Mr. Milligan said that he would serve?—A. Yes.
 Q. Did you pay him at that time?—A. No, sir; I paid him election night.
 Q. After the polls had been closed?—A. Yes, sir.
 Q. Did he come to your place?—A. He come to my store and I paid him \$5.
 Q. Was that your own money?—A. No.
 Q. From whom did you get that money?—A. I got that money from Gomer Morgan.
 Q. When did you get it from him?—A. The day before election.
 Q. The day before election?—A. Yes; I think so.

Q. Well, how did you come to talk to this man a couple of days before election?—A. Gomer Morgan wrote me and asked me if I would select a poll man in that district for him.

Q. Have you that letter with you?—A. I don't think that I have. I don't know that I saved it.

Q. Didn't you know that it was improper for you, as a postmaster, to be hiring men to stand at the polls?—A. No, sir; I did not.

Q. Didn't you know that it was against the spirit of the business administration of the Post Office Department?—A. Not for a certain class of postmasters. Not for fourth-class postmasters.

Q. You think that fourth-class postmasters are exempt, do you?—A. I think there is a decided difference between first, second, and third class postmasters, who are on a salary, and fourth-class postmasters, who only get a small commission. I think there is a distinction.

Q. You think fourth-class postmasters are exempt? That is why you make the distinction?—A. Yes; I think there is a distinction.

Q. Did you attempt to hire anyone else to stand at the polls?—A. Before hiring Milligan I attempted to hire Eaton.

Q. Did you speak to him about it?—A. Yes.

Q. What did you say to him?—A. Just what I told Milligan, that I had a note from the district chairman, asking me to get poll men in that district, and asked if he would serve.

Q. What does Eaton do?—A. He is a clerk. I imagine that he is a clerk for a coal company, but I am not sure about that.

Q. Don't you know that he is a clerk for the Lehigh Valley Coal Co.?—A. I have no way of knowing, but I think he is, but I have no way of knowing it, and I couldn't swear to it.

Q. Did Gomer Morgan pay you any other money besides this \$5?—A. He paid me \$10.

Q. He gave you \$10, altogether?—A. Yes.

Q. Who did you give the other \$5 to?—A. I kept it.

Mr. JONES. For that \$5 what services did you render?

A. All the services that I could on election day, interviewing the voters and trying to get them out to vote, and distributing literature, and so forth. I acted as one of the poll men.

Q. You were there at the polls all day?—A. Not all day, but off and on.

Q. In other words, you were very active?—A. I acted as a poll man.

Q. And you were distributing literature that day?—A. I did some of that; yes.

Q. What literature did you distribute?—A. Some literature sent out from campaign headquarters.

Q. Was it literature showing how the Democratic candidate for assembly on the Republican ticket in that district ought to be elected? Is that some of it? The literature that you distributed was literature referring to the general issues, was it not?—A. Yes.

Q. And the general issues referred to national affairs?—A. Yes.

Q. And the national affairs were directed to the advisability as well as the propriety of electing the Republican candidate for Congress?—A. I suppose so.

JAMES WALLACE, called on behalf of contestant and sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

Mr. JONES. You gave us notice of calling one James Wallace, of Wilkes-Barre, to-day?

WITNESS. That is James A. instead of William.

Mr. JONES. It is agreed that the name of James Wallace in the notice shall be changed to William Wallace.

By Mr. LENAHAN:

Q. Where do you live?—A. No. 837 South Main Street.

Q. In the city of Wilkes-Barre?—A. Yes, sir.

Q. What is your occupation?—A. District superintendent.

Q. Of the Lehigh Valley Coal Co.?—A. Yes, sir.

Q. Covering how many collieries?—A. Three; Parsons, the Franklin colliery, and the Warrior Run colliery.

Q. How many men have you under your employ; how many hands?—A. I don't know; I guess it would be between 1,200 and 1,700 hands.

Q. And they are all within the eleventh congressional district of the county of Luzerne?—A. Yes, sir.

Q. Mr. Wallace, how much money did you receive in this last election?—A. \$60.

Q. From whom did you receive it?—A. The county chairman, the Republican county chairman, Jonathan R. Davis.

Q. Where were you when you were paid that money?—A. In the café at the Sterling.

Q. In the Sterling Hotel in this city, you mean?—A. Yes, sir.

Q. Was it in the evening?—A. Yes, sir.

Q. Did you meet Mr. Davis by appointment?—A. Yes, sir.

Q. And he gave you \$60?—A. Yes, sir.

Q. Will you kindly tell us what you did with that money?—A. I gave Steve Solinski \$15.

Q. Steve Solinski?—A. Yes.

Q. Who is Steve Solinski?—A. He is a tracklayer at Mineral Spring. That is a colliery of the Lehigh Valley Coal Co.

Q. He is a man in your employ?—A. Yes, sir.

Q. Where does Solinski live?—A. North River Street, or Duck Pond.

Q. To whom else did you give \$5?—A. James Moran \$5.

Q. Where does he live?—A. Somewheres in Parsons, but I don't know the number or the street.

Q. He works for you?—A. Yes, sir.

Q. Where?—A. Mineral Spring.

Q. When did you give him the money, Mr. Wallace?—A. A few days before election. Right after I got it I gave it right out.

Q. What day did you get it?—A. I can't recall that; I did not keep no account.

Q. A few days after you got it? Did you give him a receipt when you got it?—A. Not the night I got it. He mailed a receipt to me, and I signed it and mailed it back to him.

Q. When was that, before election?—A. I think that it was before election.

Q. You didn't give him the receipt that night?—A. No.

Q. Who else?—A. Peter Murphy; \$15.

Q. What is Murphy's business?—A. At the present time?

Q. No; then.—A. He was sort of a driver boss at the Franklin colliery.

Q. Who else?—A. James A. Boyle, of Warrior Run.

Q. What does he do?—A. He is a fire boss.

Q. And he works for you, too?—A. Yes.

Q. Whom else?—A. John Wadowski; \$5.

Q. Boyle, Murphy, and Moran all work for you, and they are all Democrats, are they not?—A. I believe so; I don't know their politics.

Q. You gave Wydosky \$5. Where does he work?—A. He is an insurance agent.

Q. Where?—A. At Warrior Run.

Q. The population of Warrior Run is dependent upon the coal industry and the coal industry alone of the Lehigh Valley Coal Co.?—A. No; the Truesdale.

Q. That is the D. L. & W.?—A. Yes.

Q. Warrior Run is dependent upon two industries, the colliery of the D. L. & W. and the colliery of the Lehigh Valley, is it not?—A. I don't know of any other industries.

Q. How far is the Truesdale from Warrior Run?—A. About a mile.

Q. And the Lehigh Valley is right in Warrior Run?—A. Right at the foot of the mountain.

Q. They are within the territorial limits of Warrior Run, are they not?—A. Yes, sir.

Q. Who else?—A. George Novak.

Q. Where did he work?—A. Down there, as a miner.

Q. For the Lehigh Valley Coal Co.?—A. Yes.

Q. Under you?—A. Yes, sir.

Q. Where?—A. Warrior Run.

Q. That is, he lived in Warrior Run?—A. Yes.

Q. Who else?—A. I don't know of any more.

Q. Then this embraced the \$60 that you received, did it?—A. Yes; that is all the money that I received.

Q. And all of this, with the exception of \$5, was paid by you to men who worked for you?—A. Yes.

Q. And many of them were Democrats?—A. That is what I was looking for.

Q. You were looking for Democrats, were you?—A. I wanted to give them the money.

Q. You were looking for Democrats?—A. I didn't know what their politics was at all.

Q. I am not asking you that; you said that is what you were looking for. You were looking for Democrats?—A. Yes.

Q. You were looking to buy Democrats with this money?—A. No; they were to get poll men. I wasn't buying anything.

Q. Then the money that you gave to these men was not to be appropriated to themselves, but forwarded on to some one else?—A. They were to get men to work at the polls for it.

Q. All these men that you gave the money to?—A. Yes, sir.

Q. But you gave them \$5 to get poll men?—A. John Wydosky worked at the polls himself.

Q. Then you didn't give him the money to get poll men?—A. No; but the others were.

Q. But the money that you gave to Murphy, Boyle, and Moran. How much did you give Moran?—A. Five dollars.

Q. But you gave Steve Salinsky \$15?—A. And James Boyle.

Q. And that money was given to them to go out and buy Democrats, wasn't it?

Mr. JONES. He didn't say that.

A. Moran was supposed to work at the polls after his work was done. He was too busy to go to the polls before his work was done.

Q. That money was given to them to get some Democrats, to get Democrats to stand at the polls?—A. To get men at the polls, watchers; they knew the poll men.

Q. To get Democrats, Democrat watchers?—A. I didn't know whether they would be Democrats or Keystone men; I didn't care which.

Q. But either Democrats or Keystone, you didn't care which?—A. No.

Q. What did Mr. Davis say to you when he paid you that money?—A. He asked me if I could get some poll men in the territory that I covered.

Q. In the territory that you covered as mine superintendent?—A. I didn't say that.

Q. He knew that you were superintendent?—A. Yes, sir; he knew that.

Q. And you understood when he said the territory that you covered that he meant the territory under your jurisdiction as a mine superintendent?—A. I don't know that. I didn't take that into consideration.

Q. What did he mean, under your construction?—A. The jurisdiction where I went to work every day—where I traveled every day.

Q. Is that all he said to you?—A. I can't recall anything else. He asked me if I could get him some poll men—some men to work at the polls—and I said I thought maybe that I could get him some men to go out and work at the polls, or knew of some one that could get good men, and he said I hope you will do that, and I said I intended to do that. As far as the Republican Party is concerned, I want you to do your part, and I said I would. He then said you will need to pay some of these men, and I said I don't need any money, and he said you can't get men to work for nothing, and I told him before I took the money where I intended—

Q. Then, you knew the men you were going to get to work, did you?—A. I knew the districts, Mr. Lenahan.

Q. He knew the men that you were to get to work better than you did yourself, because you said you didn't need the money to get them, but he said you did. How is that?—A. I did not know. He is in politics. I never was in politics, and he knows it takes money to get politicians.

Q. Did he know the men that you were to get to work better than you did?—A. I can't answer that. He wouldn't know the men I intended to get, but I told him the districts.

Q. He didn't know whether or not these men would require money?—A. I don't know that; he says that you have to pay men to work at the polls.

Q. But you said you didn't need to pay them?—A. I never paid them.

Q. You said you didn't have to pay them?—A. As far as I know—as far as I knew, I could get them.

Q. You said to him that you didn't have to pay them?—A. No; I said I didn't need any money.

Q. You didn't need any money?—A. Yes.

Q. And in your judgment you didn't need any money?—A. Not for what I intended doing.

Q. What you intended doing with your men working at the polls—you didn't think that you needed any money for these men?—A. No, sir.

Q. But, notwithstanding that, you took the money?—A. Yes, sir.

Q. Who was there at the time?—A. Nobody.

Q. Nobody but you and him?—A. Yes.

Q. What room was it?—A. As you go right in where it says "café." I am not acquainted with the place at all.

Q. Was it in the café that you met him?—A. Yes.

Q. How long were you with him?—A. About 15 minutes.

Cross-examination by Mr. JONES:

Q. You paid some of this money to a man in Parsons?—A. Yes.

Q. Your colliery at that particular point is the Mineral Spring Colliery?—A. Yes, sir.

Q. And most of the people at that colliery live in Parsons Borough?—A. Yes.

Q. Most of the people at the Franklin Colliery live in Wilkes-Barre Township and Ashley, do they not?—A. Quite a few of them is in Ashley, and the fourteenth ward of the city has a good many of them.

Q. Some from the fourteenth ward of this city?—A. Yes.

Q. Do you recall which end of Ashley the men come from?—A. No.

Q. Your operation in the borough of Warrior Run at the present time is a very small operation?—A. Yes.

Q. Owing to the fact that a great part of the mine has been shut off by a "squeeze" and has been for several years?—A. Yes.

Q. Practically all the operation there at the present time is a slope?—A. Yes.

Q. By far the greater portion of the voting population at the present time walk three-fourths of a mile below the town to the large works of the D. L. & W., known as the Truesdale?—A. Yes.

Q. Did you attend any of the polls on election day?—A. No. I went and voted. I worked until noon, and took the afternoon train for Rummerfield, Bradford County, on a hunting trip.

Q. None of these polls in your district where you have charge of men—none of these polls were you in at all?—A. No.

Q. You never went near one of them?—A. No.

Q. You voted in the city of Wilkes-Barre, which is not in your district, but which is your own home?—A. Yes, sir.

Q. And in the afternoon you went on a hunting trip?—A. Yes.

Q. And you say where you gave a man \$5 it was for the purpose of working or watching at the polls himself?—A. Yes.

Mr. LENAHAN. He didn't say that.

A. If I didn't say that, I meant that. I gave Wysoky \$5, and Moran got \$5 for working in the afternoon.

Q. Those other men were to engage men to work at the polls for the Republican Party?—A. Yes. I never received any money before, and I guess I didn't know how to handle it.

Mr. LENAHAN. You knew how to handle it well enough when you got mine bosses?—A. I handled it well for you when I got it, didn't I?

Q. If you got any money from me, you did what you did with this—you put it in your pocket and never paid a dollar out.—A. You know I never received 1 cent.

HENRY W. MERRITT recalled by contestant.

Examination by Mr. LENAHAN:

Q. Mr. Merritt, you had a talk with Mr. Eaton about having him work for the Republican ticket, I understand?—A. Yes.

Q. What day was that? How long before election?—A. A few days; I don't remember.

Q. What did you say to him?—A. I told him that I had been asked to get poll men in that district, and asked him if he would serve as such.

Q. What did he say?—A. He said that he was on the election board and couldn't.

Q. Did he come to you afterwards for \$5?—A. No.

Q. Did you tell him that you had a man in his place, Mr. Milligan?—A. I don't remember that I did. Maybe I did.

Q. Didn't you tell him?—A. I may have; I don't know.

Q. And when he left you that day that you talked to him he left with the idea that he was to act for \$5?—A. Oh, no.

Q. I will put the question to you again. After that talk you had with him, in which he told you that he could not serve, that he was a member of the election board, didn't he come back to you, subsequently, and ask you for the \$5?—A. No.

Q. And didn't you tell him that you had given the money to Milligan?—A. No; he didn't come back and ask for the money.

Q. Whether he came back or not, didn't he meet you and ask you that you give him that \$5?—A. No.

Q. And didn't you tell him that you had given it to Milligan?—A. No, sir.

Q. Didn't you tell him that you had gotten another man in his place, Mr. Milligan?—A. I don't remember I did; maybe that I did.

Q. You had a talk with him with reference to your securing another man afterwards?—A. I can't recall that. We are next-door neighbors; but I can't recall the conversation.

Q. How far is the election polls from your place?—A. A distance of two or three blocks.

Q. He is a next-door neighbor of yours?—A. Yes.

Q. Did you vote there at the spring election?—A. I think so.

Q. You knew that he was on the board, didn't you?—A. If I did I had forgotten it.

Q. Didn't you know that he was on the board? If you voted in February, two or three months before the primaries, you must have seen that he was on the board.—A. I may have; but if I did I had forgotten it.

Q. Didn't you vote at the June primaries?—A. No; I was away.

Q. So that you didn't vote at that time?—A. No.

Q. You say now that you can't recall, or didn't recall at the time, that you had the talk with him about giving him the \$5? You didn't recall whether he was on the election board or not?—A. I had no talk with him about that—about giving him the \$5.

Q. Did you have any talk with him about securing his services?—A. Yes; I had.

Q. To stand at the polls?—A. To be a poll man.

Q. At that time you had no recollection of him being an officer of the election, had you?—A. I had not.

Q. And you know him so well. How long have you known him well, and how long has he been a neighbor of yours?—A. He has been a neighbor for eight years, I judge.

Q. And when I asked you—how many houses does he live from you?—A. In the very next house.

Q. And when I asked you—I believe when I asked you if he worked for the Lehigh Valley Coal Co. you said that you didn't know exactly; and I asked you if he was not a clerk you said you could not swear to that?—A. I said I wouldn't swear to that.

Q. Mr. Merritt, so that you didn't know by whom a neighbor, a rather close friend of yours for eight years, by whom he is employed in that neighborhood?—A. I couldn't swear to that.

HARRY EATON, called and sworn on behalf of the contestant.

Examined by Mr. LENAHAN:

Q. Mr. Eaton, you were a member of the election board at the last general election, year 1910?—A. Yes, sir.

Q. How long had you served as a member of the election board?—A. Possibly three or four years.

Q. You have been there continuously for three or four years?—A. Yes, sir.

Q. You know Mr. Merritt well?—A. Yes.

Q. And you have known him how long?—A. I have known him ever since I was a boy.

Q. You know him well?—A. Yes, sir.

Q. In other words, you have been raised right close to him, have you not?—
A. Well, no; possibly a couple of miles away from where we have been raised. I have known him intimately for the last 12 or 15 years.

Q. How long has he been a neighbor of yours?—A. In the neighborhood of 10 years. Since we lived in the house we live in.

Q. And you have been very intimate?—A. Yes, sir; as neighbors.

Q. What office have you held as a member of the election board?—A. Clerk.

Q. Have you seen him voting there frequently?—A. Yes, sir.

Q. He saw you, too?—A. I suppose he did.

Q. What?—A. I imagine that he did; I don't know.

Q. And when he would come in the booth he would announce his name, wouldn't he?—A. Certainly.

Q. And he would be a distance of 3 or 4 feet from you?—A. Yes.

Q. He must have seen you?—A. I won't say that he did. I can go into a room and there might be half a dozen people in there and I—

Q. Yes; I know you can. Do you mean to say that you don't know whether he saw you acting as an election officer there during the three or four years that you were on the board?—A. I presume he seen me at different times, but I can't say that he noticed me on any particular date.

Q. But he did know that you were an election officer?—A. I don't know that he did.

Q. Could he have avoided it?—A. I don't know anything about it.

Q. You naturally know that he could not have avoided knowing it?—A. Yes, sir.

Q. How?—A. If he didn't take any notice of my being there.

Q. The only way that he could have avoided that, knowing that you were an election officer, was by coming into the booth and shutting his eyes?—A. Not necessarily.

Q. In other words, if he had come into this room and took his ballot for the last three or four years he could not have done that without seeing you?—A. Yes.

Q. And you swear to that?—A. Yes; I swore that he could.

Q. What is your business?—A. Clerk.

Q. For whom?—A. Lehigh Valley Coal Co.

Q. How long have you worked for them?—A. Fifteen years.

Q. Did you talk to him about your occupation?—A. No.

Q. Did he know what your occupation was?—A. I don't know.

Q. As far as you knew, he knew it?—A. No.

Q. As far as you know, although you have been a neighbor of his for 12 years?—A. Ten, I should say.

Q. And 10 years you have been living next door to him, and so far as you know, he didn't know it?—A. I don't know that we discussed it in our conversation.

Q. And so far as you know, he didn't know your occupation?—A. No, sir.

Cross-examination by Mr. JONES:

Q. A clerk on the election board in Pennsylvania is not an elective office?—A. No, sir; appointive.

Q. And each inspector appoints a clerk?—A. Yes, sir.

Q. And he may have one clerk for one election and may have another clerk for another election?—A. Yes.

Q. But, at any rate, no matter what office you held that day, Mr. Merritt came to you and asked you to serve as a poll man, and you said that you were serving on the election board, and that was the end of the conversation?—A. We never had any discussion on the matter after that.

Q. And nothing was said to you about money?—A. No.

By Mr. LENAHAN:

Q. You never spoke to him afterwards?—A. Never mentioned it.

Q. You never went to him and asked him for the \$5?—A. I didn't know that he had any money.

Q. I am not asking you that. You didn't go to him afterwards and ask for that \$5?—A. No.

Q. And didn't he tell you that he got a man in your place? A. No.

Q. A man named Milligan?—A. No.

HIRAM SMITH, called on behalf of the contestant, and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

- Q. Mr. Smith, where do you live?—A. North Wilkes-Barre.
 Q. The first ward of the city of Wilkes-Barre?—A. Yes, sir.
 Q. How long have you lived there?—A. About 30 years.
 Q. What is your business?—A. Mine foreman.
 Q. How long have you been mine foreman?—A. Twenty-one years.
 Q. What colliery?—A. Dorrance.
 Q. What company?—A. The Lehigh Valley Coal Co.
 Q. The Dorrance colliery is in the city of Wilkes-Barre; in your ward, the first ward?—A. Yes.
 Q. I believe you got some money to distribute at the last election, did you not?—A. Yes.
 Q. How much?—A. \$45.
 Q. I wish you would go on, Mr. Smith, and tell us to whom you paid that money?—A. I gave \$5 to James Peterson.
 Q. Who is he?—A. He is a clerk in the axle works.
 Q. Whom else?—A. Francis Boyle. He tends the foot of the shaft for us at the Dorrance.
 Q. At your colliery?—A. Yes.
 Q. How much did you give Francis Boyle?—A. \$5.
 Q. He is a Democrat?—A. No; he is a Republican.
 Q. To whom else did you give money? Where does Boyle live?—A. Up in that ward.
 Q. To whom else did you give money?—A. Thomas Monahan. He lives up on North Main Street.
 Q. Where does Peterson live?—A. On River Street.
 Q. To whom else did you give money?—A. Murray, \$5.
 Q. To whom else did you give money?—A. Thomas Lake, \$5.
 Q. Where does he live?—A. Up on Franklin Street.
 Q. What does he do?—A. He runs cars in the Dorrance.
 Q. For the Lehigh Valley Coal Co., and under you?—A. Yes.
 Q. To whom else? How much money did you give Lake?—A. \$7.50.
 Q. To whom else did you give money?—A. George Dunn.
 Q. What does he do?—A. He cleans lamps at the Dorrance colliery.
 Q. Under you?—A. Yes.
 Q. Give the amounts.—A. \$5.
 Q. To whom else?—A. Peter Soby, \$7.50.
 Q. What does Peter Soby do?—A. He is a miner up in Mineral Spring.
 Q. What ward does he live in?—A. First ward.
 Q. To whom else did you give money?—A. John Brown; he lives in the first ward. It is some place up there; I don't know where exactly.
 Q. What does Brown do?—A. He runs a motor in the Dorrance colliery.
 Q. Under you?—A. Yes.
 Q. How much did you give him?—A. I gave him \$5.
 Q. Who else did you give money?—A. I gave George Martindale \$5.
 Q. What does he do?—A. He works in the lace mills.
 Q. He works in the lace mills?—A. Yes.
 Q. To whom else?—A. William Strabough.
 Q. What does he do?—A. He is a stable man.
 Q. Under you?—A. Yes, sir.
 Q. Are there any others?—A. I don't remember of any.
 Q. Do you know Nathaniel Jones?—A. Yes.
 Q. He is a son of Joseph Jones?—A. Yes, sir.
 Q. And what is the occupation of Joseph Jones?—A. He is inside superintendent of the Lehigh Valley Coal Co.
 Q. What does Nathaniel Jones do?—A. He is a surveyor, I believe, for the Lehigh Valley Coal Co.
 Mr. JONES. You gave some of these men \$2.50, I see?—A. Yes.
 Q. For what purpose?—A. For getting out the registration vote and for getting the men out that day to register.
 Q. That was not election day? That was the day prior to election, before the election?—A. Yes.
 Q. Well, now, when did you get the money from Jonathan R. Davis?—A. I don't remember, but it was before election.

Q. You say that some of the men had been at the polls to get out the vote on registration day?—A. Yes.

Q. And these men got \$2.50 for that work; if they worked both on registration day and election day they got \$7.50?—A. Yes.

Q. For the election day they got \$5?—A. Yes; and they run around quite a bit during registration.

Q. How many assistant foremen have you at the colliery there?—A. We have six fire bosses and three assistants.

Q. Three assistant foremen?—A. Yes.

Q. How many driver bosses?—A. Five.

Q. None of those names you gave here were among those subordinates under you; bosses?—A. No.

Q. Were you at the polls on election day?—A. Went to vote, that is all.

Q. You know the political workers pretty well in that ward?—A. Yes, sir.

Q. You have been councilman in that ward?—A. I have been a candidate; yes, sir.

Q. But you failed to be elected to the office?—A. Yes.

Q. And consequently you know who are the good men to get out the workers at the poll?—A. Yes, sir.

Recross-examination by Mr. LENAHAN:

Q. Did you pay these men when you made arrangements with them for doing the work?—A. No.

Q. Did you make arrangements before you paid them?—A. We always get together and get out the vote.

Q. Answer the question, please. Did you get together and arrange to get out the vote? Did you make the arrangements with them before you paid them?—A. Yes.

Q. Did you make the arrangements that you were going to employ them?—A. Made arrangements to get the vote out.

Q. Will you answer the question? I am not asking you what you did before. Did you make the arrangement with the men before you got the money from Davis?—A. Yes.

Q. How long before?—A. I think that it was around the primaries.

Q. Then you made arrangements with them about the time of the primaries, did you?—A. Yes.

Q. To employ them for the general election?—A. No; I did not employ them exactly, but we had them working during that time.

Q. Did you make an arrangement with them around the primaries to have them work at the general election?—A. Some of them worked.

Q. I didn't ask that. I asked you if you employed the men around the primaries to work at the general election.—A. I didn't tell them that they would get any pay for it.

Q. You didn't make any arrangement with them about pay?—A. No.

Q. When did you make the arrangement with them about the pay?—A. After I got the money.

Q. You sent for them, did you, or went and saw them?—A. I saw them. We meet pretty often up there.

Q. You saw them after you got the money?—A. Yes.

Q. Did you tell Jonathan Davis how much money you wanted?—A. No; he gave me the money.

Q. You didn't tell him how much you wanted?—A. No.

Q. Did he ask you how much you wanted?—A. No.

Q. He just handed you the money without saying how much is necessary or how much is not necessary?—A. I think he did say how much the upper end of the city was.

Q. What upper end?—A. North Wilkes-Barre.

Q. What wards do you mean?—A. For all the wards, the sixteenth.

Q. Give us the wards he gave you the money for.—A. The first ward and some of these men worked over in the axle works.

Q. Never mind that. Did he give you the money for all the wards? What wards did he give you the money for?—A. He didn't give that to me for any ward.

Q. He gave it to you to go out and use it?—A. To use for the Republican Party.

Q. To use it for the Republican Party?—A. Yes.

Q. And you didn't know how much it would take, did you?—A. No; not exactly.

Q. And then all he did was to hand you the money, is that right?—A. That is about right.

Q. Did he give it to you all at one time?—A. No.

Q. How long before he had given you the second had he given you the first?—A. I don't remember.

Q. You don't remember?—A. No; I had \$30 first, and then I had \$15.

Q. When did you get the money first?—A. I don't remember. I know that both was before election.

Q. No doubt about that, but I am not asking you that. What did you get that \$30 for?—A. To get out some votes for the Republican Party.

Q. To get out votes for the Republican Party?—A. Yes.

Q. Then it wasn't to employ men was it? Was it to employ men that you got it?—A. To get out the votes.

Q. Was it to employ men that you got the \$30?—A. To give it to the boys.

Q. Was it to employ men that you got the \$30?—A. I didn't say, exactly say \$30 to employ men.

Q. Whom did you give that \$30 to? You had it spent before you had the other \$25 or \$15?—A. I know that Paterson was the last that I gave the \$5 to and Francis Boyle—

Q. Who did you give the \$30 to?—A. I don't remember the \$30, but I can give you the names of the—

Q. I didn't ask you that. Did you go back to Davis after paying out the \$30?—A. No.

Q. How did he come to give you more?—A. I was in George Llewellyn's office, and Mr. Davis happened to be in there, but I didn't know that he was in there, and he was back in the room behind, and George Llewellyn told me to go back that Davis wanted to see me, and I went back and he said: "How are you getting along up there?" I said, all right, I think. I said there are a few fellows up there that haven't had a cent for getting out the vote, and they worked in the primaries and they worked at the registration, and they haven't had anything for it, and they won't do any work for the election. They should be paid.

Q. Tell us who the men were that you had in mind that hadn't been paid?—A. Francis Boyle.

Q. Who else?—A. Peterson.

Q. Who else?—A. I think there was Murray.

Q. Boyle, Peterson, and Murray?—A. No; Murray was paid.

Q. I didn't ask you who were paid, but those who would not work at the general election unless they got paid?—A. Well, Peterson was one and Boyle was the other, and I believe it was Thomas Lake.

Q. Then you knew they would not work at the general election unless they got paid?—A. I didn't know.

Q. Didn't you tell Davis that?—A. That the men ought to have been paid.

Q. Didn't you tell him they wouldn't work?—A. I didn't tell them they wouldn't work; I said I thought they wouldn't work.

Q. Haven't you testified that you told Davis that they hadn't got any money, although they worked on registration day, and at the primaries for Mr. Bowman, and that if they didn't get their money they would not work at the polls in the general election? Didn't you tell him that?—A. Of course, I didn't get that from them.

Q. I am not asking you that. Didn't you tell Davis that?—A. I was afraid they wouldn't work there.

Q. But didn't you testify to that?—A. No, sir; I didn't tell him that. I said I was afraid they wouldn't work.

Q. You told him that you were afraid?—A. Yes.

Q. And that is the way that you want your testimony to go down?—A. Yes, sir.

Q. It is just possible you did say to him that there were some men that had worked at the primaries and worked at the registration and hadn't been paid, and unless they were paid you didn't think they would work at the polls. Didn't you say that?—A. I thought so.

Q. But, now, didn't you testify to that?—A. Maybe I did. But what I meant if I did—I will take that back. I will say that it was impossible to get the men to go out three times for nothing.

Q. You got them to go out twice for nothing, didn't you?—A. What?

Q. You got them to go out twice for nothing?—A. They are Republicans.

Q. I am not asking what their politics are. You got them to go out twice for nothing, didn't you?—A. I don't know as they went out for nothing.

Q. Then they got some pay previous to this for the registration and the primaries?—A. No; they did not.

Q. Haven't you said here that you didn't know?—A. I know they did not get paid for the registration.

Q. You don't know that they didn't get paid for the registration and the primaries?—A. Yes; I know that.

Q. You got them twice?—A. I didn't get them.

Q. Who did?—A. I don't know.

Q. Didn't you ask them to come out?—A. No.

Q. Didn't you ask them to work at the primaries?—A. No, sir.

Q. Didn't you say anything to them about it?—A. No, sir.

Q. You know that they worked?—A. Yes; I know that.

Q. How do you know it?—A. I know they were out for the votes.

Q. You weren't around the polls at the primaries?—A. No.

Q. Then how did you know?—A. I heard; I knew what was going on.

Q. Who told you they had been out?—A. Some of the men.

Q. Give me the name of a man?—A. Several.

Q. Tell me the name of a man that had been working at the primaries and didn't get paid for it?—A. They didn't get paid before they were—

Q. Tell me the name of a man you said worked at the primaries and didn't get paid for it?—A. George Dunn worked at the primaries, and didn't.

Q. Did George Dunn tell you that he didn't get paid for it?—A. No; he didn't tell me, but I know that he didn't get paid.

Q. Haven't you testified that they were all paid out of this \$30?—A. Oh, yea.

Q. I am talking about the men that you gave the \$15 to: the men you spoke to Davis about getting the second installment for.—A. Yes.

Q. Did any of these men tell you they were not paid?—A. No.

Q. Did anyone tell you they were not paid?—A. No.

Q. But you know that they were out working at the registration?—A. Yes, sir.

Q. Who told you that?—A. I don't know who told me; but I know they were.

Q. How do you know it?—A. I think they told me.

Q. That is all you know about it?—A. Yes.

C. C. BOWMAN, called on behalf of contestant.

Examined by Mr. LENAHAN.

Q. Mr. Bowman, beginning June 4 and running up to August 1, 1910, upon your check book, as you have presented it, I wish you would turn your checks over to us so that we may have an opportunity of examining them. I would like to get on the record that the contestant now calls upon the contestee to produce all his checks, check books, and bank books at a period showing the transaction at a period of time, the particular period of time covered by the time preceding August 29, 1910. That being the date, as shown by his checks and check books that he produced, as the beginning of his expenditures, in the previous hearings here. This demand is made in pursuance of the following call, which was served on Mr. Bowman personally on the 14th day of February, 1911: To C. C. Bowman, and bring with you your books of deposit in and check books on all banks with which you have done business from April 1, 1910, to February 13, 1911, greeting: We command you that setting aside all manner of business and excuses, to be and appear in your proper person before Arthur L. Turner, a notary public, duly commissioned and resident at Wilkes-Barre, in said county, and designated as a commissioner to take testimony in reelection contest of George R. McLean, contestant, against Charles C. Bowman, contestee, for Representative in Congress, in said congressional district, on Saturday, the 8th day of February, 1911, at 10 o'clock in the forenoon, at the office of William S. McLean, Esq., 713 Coal Exchange Building, Wilkes-Barre, Pa., to testify all and singular those things which you shall know in the contest aforesaid on the part of the contestant. Hereof fail not, under penalty provided by the statute of the United States of America.

Witness the hand and seal of said Arthur L. Turner, Esq., notary public in and for said county of Luzerne and commissioner aforesaid at Wilkes-Barre, Pa., this 13th day of February, 1911.

[SEAL.]

ARTHUR L. TURNER, Notary Public.

My commission expires 21st day of January, 1915. Commissioner designated to take testimony in reelection contest of George R. McLean, contestant, against C. C. Bowman, contestee. With the following return of services.

STATE OF PENNSYLVANIA, County of Luzerne, ss:

Percy C. McLean, being duly sworn according to law, doth depose and say that he served the within subpoena upon the within-named witnesses personally, upon C. C. Bowman, by reading the contents to him and leaving a true and correct copy thereof with him, said service being made on the 14th day of February, 1911.

PERCY C. MCLEAN.

Sworn and subscribed before me this 18th day of February, 1911.

[SEAL.]

ARTHUR L. TURNER, Notary Public.

My commission expires January 21, 1915.

This call is also made in the second paragraph of contestant's petition and reads as follows: "The expenditure by you of large sums of money not accounted for by you in the account of expenditures filed by you and your agents."

Mr. JONES. In answer to this request, the contestee herewith produces his bank books, check books, and checks, showing all his transactions back to and including the day of the primaries. The contestee refuses, upon the advice of counsel, to produce any check or check stub antedating the date of the primaries for three reasons:

1. Upon the advice of his counsel.
2. For the reason that any matter prior to June 4, the date on which Mr. Bowman received the Republican nomination, is foreign to this inquiry and not within its scope.
3. Because the notice of contest, drawn by contestant in this case and served upon the contestee, contains no averment, either by direct language or by reasonable inference therefrom, that Mr. Bowman used any moneys illegally during the primary campaign.

Mr. LENAHAN. To the objection of counsel for contestee we desire to say this: That it already appears in the evidence that at or about the time of the general election money was paid to cover his debts alleged, expenses of employment, employment of men, not only the general election, but in the registration and primaries as well.

GOMER MORGAN, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

Q. What is your business?—A. Keeper at the Luzerne County Prison.

Q. How long have you been keeper at the Luzerne County Prison?—A. Five years.

Q. You are employed by the County of Luzerne?—A. Yes, sir.

Q. And you are paid by the County of Luzerne?—A. Yes.

Q. A salary?—A. Yes. I am paid a salary.

Q. What other position do you occupy as well as keeper at the Luzerne County Prison?—A. Nothing else.

Q. What other position do you occupy with reference to the Republican organization?—A. I am chairman of the third legislative district.

Q. That is the district in which Mr. Bowman lives?—A. He lives in West Pittston.

Q. No; in Pittston.—A. That is the district.

Q. You received how much money?—A. I received \$400 from Jonathan R. Davis.

Q. Did you receive any other money?—A. I received \$30 for legitimate expenses.

Q. Just answer the question. I didn't ask you what you received it for. Did you receive any other money besides \$400?—A. Yes, sir.

Q. How much?—A. \$30.

Q. From whom did you receive it?—A. Jonathan R. Davis.

Q. Did you receive the \$430 at one time?—A. No.

Q. Which did you receive first?—A. \$400.

Q. When did you receive that?—A. The Saturday before election.

Q. On the Saturday preceding election?—A. It was either Friday or Saturday; I wouldn't be sure.

Q. Either Friday or Saturday?—A. Yes, I think so.

Q. Before election?—A. Yes.

Q. When did you receive the \$30?—A. Saturday.

Q. I wish you would go on, Mr. Morgan, and tell us to whom and in what amounts you paid that money? [Witness looks at book.]—A. I paid \$115 to Charles B. Smith, for 23 poll men in Pittston City and Hughestown.

Q. Who is Charles B. Smith?—A. Register of wills.

Q. He is also paid a salary by the County of Luzerne?—A. Yes, I think so.

Q. He draws a large salary as register of wills, don't he?—A. I think so.

Q. Go on?—A. I paid \$10 to Thomas P. Morgan for the north district of Miners Mills borough.

Q. Who is Thomas P. Morgan?—A. I think that he is employed at the Lehigh Valley office. He is a district committeeman.

Q. He is an employee of the Lehigh Valley Coal Co.?—A. Yes, sir; he is a clerk.

Q. A clerk for the Lehigh Valley Coal Co.?—A. I think so; I am not sure.

Q. Go on.—A. I paid \$30 to Rosser Mainwairing.

Q. What does he do?—A. I think he is factory inspector.

Q. And he is paid a salary by the State for looking after the health and condition and lives, especially of the children employed in and about our factories in this section?—A. I believe so; I don't know.

Q. Yes, and that is so.—A. I wish to state to whom I paid this money and for what purpose.

Q. You can explain that afterwards. Of course your purpose was legitimate. You say what follows the ordinary?

Mr. BOWMAN. Let this man answer your question. When you say that as a joke it goes on the record.

Mr. LENAHAN. I was never more serious in my life than when I said that.

Mr. BOWMAN. But you laughed.

Mr. LENAHAN. Yes, I know.

Q. Well go on with the next.—A. I paid \$10 to Henry W. Merritt.

Q. What does he do?—A. He is a druggist.

Q. What does he do besides being a druggist? I want you to tell me what he does?—A. I don't know.

Q. Isn't he a postmaster?—A. I believe he is.

Q. Don't you live up there, Plains?—A. No; I live in Parsons.

Q. Parsons; that is only a short distance from Plains.—A. I believe it is about two miles.

Q. And it was a part of Plains at one time?—A. Yes.

Q. And you know that he is postmaster, don't you?—A. I do; yes, sir.

Q. Why didn't you say so, then? Go on.—A. I paid \$10 to James H. Gibbons.

Q. What does he do?—A. Keeper at the Luzerne County Prison.

Q. And in the employ of the county?—A. Yes.

Q. In other words, he is occupying the same position that you occupy as keeper of the Luzerne County Prison?—A. Yes.

Q. Who is next?—A. \$10 to James Melvin.

Q. Who is he?—A. Outside foreman at the Mineral Spring Mines, at Parsons.

Q. What company operates that?—A. The Lehigh Valley.

Q. The Lehigh Valley Coal Co.?—A. Yes, sir.

Q. Go on to the next?—A. \$10 to Joe Moritz.

Q. Joe Moritz is in the employ of the county, too, isn't he?—A. I don't know.

Q. Don't you know that he is up here at the county courthouse as interpreter?—A. I don't know that. I knew that he was in the grocery business.

Q. He is the Moritz from Plains?—A. I don't know. I never knew about it. He is the grocery man; he used to have a saloon and sold out, and has a grocery store. \$10 to Ben Gillmore.

Q. Who is he?—A. Either a pump runner or an engineer for the D. & H. at the Delaware colliery.

Q. Who else?—A. Paid \$10 to David Davis. He is foreman at the Langcliffe colliery for the Delaware and Hudson at Avoca.

Q. Who else?—A. Paid \$10 to Thomas Rowlands. I believe that he is assistant foreman at the D. & H. Paid \$10 to David Jones, employee of that colliery. I don't know exactly what he does, but I believe that he is a tracklayer.

Q. Who else?—A. \$10 to John Mitchell, Dupont.

Q. What does he do?—A. Postmaster and grocery store.

Q. Go on to the next.—A. \$10 to Daniel J. Thomas.

Q. Where does he live?—A. He lives in Avoca, the south district.

Q. What does he do?—A. Either a fire boss or a driver boss at one of the collieries across the river—Lehigh Valley Coal Co.

Q. Go on to the next. Who is it?—A. I paid \$5 to Jenkin Evan.

- Q. What does he do?—A. He is a fire boss.
 Q. For whom?—A. For the Langcliffe colliery, D. & H.
 Q. Who else?—A. \$10 to R. Wasley Dey.
 Q. What does he do?—A. I don't know what he does. I think that he is a powder man.
 Q. Where does he live?—A. He lives in Jenkins Township.
 Q. In what part?—A. Either in Inkerman or Port Griffith. I think that it is in the Port—no; I think that it is in the Inkerman part.
 Q. What company does he work for?—A. I am sure I don't know.
 Q. Go on to the next.—A. I paid \$10 to John F. Monks. He lives at Yatesville.
 Q. What does he do?—A. Laboring around the colliery.
 Q. What colliery? The Pennsylvania Coal Co.?—A. It is an individual firm up there, I believe.
 Q. You don't know who it is?—A. No.
 Q. Go on to the next. Is that colliery in Jenkins Township that Monks works for?—A. In Yatesville Borough. \$10 to Robinson Baird.
 Q. What does he do?—A. I think that he is a blacksmith.
 Q. He is in Inkerman?—A. Yes.
 Q. And he is a blacksmith for himself?—A. I think so.
 Q. Who else?—A. \$10 to George Joplin.
 Q. What does he do?—A. He works for the Pennsylvania, I think.
 Q. Mine foreman?—A. I don't know; never met this man but once.
 Q. You know there is a Joplin?—A. Yes; but I don't think this is the name. That was George.
 Q. You say you don't know what he does?—A. No; I didn't.
 Q. He lives in Inkerman, don't he?—A. Outside; between Inkerman and Pittston, at Sebastapool.
 Q. Sebastapool, is it?—A. No; between Inkerman and No. 14.
 Q. No. 14 colliery of the Pennsylvania Coal Co.?—A. Yes. J. S. Campbell, \$10. He is fireboss for the D. & H. at Laflin, Pa. \$20 to George Thomas.
 Q. Who is he?—A. Electrician at Parsons Borough.
 Q. For whom does he work?—A. I think that he works for the Wilkes-Barre Electric Light Co.
 Q. For whom did he work then?—A. I think he did then at that time. \$20 to Sam Smith.
 Q. Who is Sam Smith?—A. He is foreman at the Luzerne County prison.
 Q. And he is paid by the county?—A. Yes.
 Q. Where does he live?—A. Parsons Borough.
 Q. Go on.—A. \$10, David J. Davis.
 Q. Who is he and where does he work?—A. He is a fire boss, No. 5 Colliery, D. & H. \$10 to Walter Wade, Miners Mills.
 Q. What does he do?—A. I think he is a miner at one of the collieries.
 Q. And he lives at Miners Mills?—A. Yes, sir. \$10 to John McMillan.
 Q. Where does he live?—A. Fox Hill, Plains Township.
 Q. What does he do?—A. He is a rockman, I think.
 Q. Is he a contractor?—A. No; I think that he works for David Wasley. \$10 to Joe Ralston.
 Q. What does he do?—A. He works for the Keystone Coal Co.
 Q. What doing?—A. I don't know; I never saw him. Barn boss or something.
 Q. Who else?—A. \$3 to Patrick Kelly.
 Q. Patrick is not a boss of any kind, is he?—A. No.
 Q. I thought not, the amount of money that you paid him. Where does he live?—A. Parsons Borough.
 Q. What does he do?—A. Driving a bottling wagon for Whalen & Farrell.
 Q. He is a Democrat, isn't he?—A. Not always.
 Q. He is a Democrat in principle?—A. I wouldn't swear to that.
 Q. What do you think his politics are?—A. Well, he voted the Republican ticket quite often.
 Q. What would you think they are?—A. They may be Democratic; I don't know.
 Q. Who else; to whom else did you pay money?—A. \$3 to Tudor Griffith.
 Q. He is not a boss of any kind, is he?—A. No.
 Q. I imagined that from the amount of money that you paid him. What does he do?—A. Clerk at the store.
 Q. Clerk in the company store?—A. No.

- Q. Go on to the next.—A. That is all. The rest is other expenses.
 Q. That is \$391 that you paid out. That leaves a balance of \$39?—A. Yes.
 Q. That you gave yourself, did you?—A. No.
 Q. What did you do with it?—A. I spent \$6 in circulating around, putting up cards and literature.
 Q. What do you mean by circulating around?—A. Going around putting up cards and literature.
 Q. How did you spend it?—A. Car fare and something to eat, a little refreshment of some kind I suppose.
 Q. What else?—A. I spent \$12 in going over the district, in going around to see the different poll men.
 Q. What else?—A. That is about all I can account for.
 Q. How long were you going around the district in which you charged this first sum?—A. I think about two or three days, or probably part of two nights or two days and a part of two nights, I guess it was.
 Q. You also went around the district seeing poll men, for which you charged \$12; how long were you at that?—A. A couple of nights.
 Q. Where did you go?—A. Parsons Borough, Miners Mills, Plains Township, and Jenkins Township.
 Q. How did you spend that money?—A. Train fare and refreshments.
 Q. What train fare? Did you spend it in buying drinks?—A. No, sir; I never bought a drink.
 Q. Will you tell me again how you came to spend \$12 in train fare or any kind of fare in going around two nights in your district?—A. I didn't say two nights.
 Q. I understood you to say that?—A. I said this \$6 was a part of two nights.
 Q. You said that \$12 was part of two nights. [Testimony read.] Was I right when I said it was a couple of nights; is that right?—A. According to the testimony it is.
 Q. Will you tell me how you could spend \$12 going around a couple of nights on fare, car fare, there in Plains Township? Through the whole district. I am a pretty good spender myself, but I could not get away with that unless I bought some booze for the boys.—A. I can't tell you anything else.
 Q. That is all you can tell?—A. That is all.
 Q. You don't say seriously that you spent \$12, including car fare, for refreshments, etc., in going around your district?—A. I didn't spend it for anything else.
 Q. You don't mean to say that you didn't spend it for anything else?—A. I can't say.
 Q. You can't tell?—A. I couldn't say that I spent it for booze.
 Q. And you can't say how you spent it?—A. Not any more than I have said; no.
 Q. Didn't you give some money to the fellows?—A. Never. I never gave a dollar to anybody.
 Q. You never gave a dollar to any man?—A. Only what I gave from this book.
 Q. Then the other money was spent by you and you don't know how you spent it?—A. I spent it for train fare; hiring a rig to go around to the poll men.
 Q. You did hire a rig?—A. Yes.
 Q. From whom?—A. Fitzpatrick.
 Q. At Pittston?—A. Yes.
 Q. How much did you pay him?—A. I think \$30.
 Q. You paid nothing in the shape of 50 cents or \$1 buying what we call the floating vote?—A. Never; no, sir.

Cross-examination by Mr. JONES:

- Q. With the exception of Charles Smith all the rest of this money was given out to committeemen?—A. Yes; all my men, my mission was to give it to district committeemen.
 Q. And the purpose of paying it out was to have two poll men or watchers in each district of your legislative district?—A. Yes, sir.
 Q. Over which you had charge for the Republican Party?—A. Yes.
 Q. And these two watchers, those two men were to work at the polls in their respective districts and get out the vote for the Republican ticket?—A. Yes.
 Q. And you say you paid \$115 to Charles Smith to employ 23 poll men in the city of Pittston and the various districts of Hughestown Borough?—A. Yes, sir.
 Mr. LENAHAN. Was Smith on your committee?
 A. No, sir; he was not on my committee.

Mr. JONES. And these committeemen were entitled to either serve themselves and take \$5 or to pick out two other men?

A. When I was appointed district chairman I appointed committeemen for each district in my election district, and he had charge and appointed his own poll men. He either hired himself or another man, or two other men. He had charge of that himself.

Q. At the rate of \$5 a day for the poll men?

Mr. LENAHAN. You took good care to designate the bosses among your committeemen, didn't you?

A. I did; possibly four or five.

Q. This statement here shows that three-fourths of the men outside of Charley Smith are bosses. It shows that three-fourths of your men were either fire bosses, barn bosses, or mine bosses. Isn't that right?—**A.** Yes; but said mine bosses.

Q. I didn't say mine bosses. Bosses, that is what I said. And it shows that, too, don't it?—**A.** Yes; if it shows that it must be.

(Adjourned until 2 p. m.)

Hearing reconvened at 2 p. m., pursuant to adjournment.

C. C. BOWMAN, contestee, recalled by contestant.

Examined by **Mr. LENAHAN:**

Q. Mr. Bowman, will you please look at check No. 15880, dated July 9. Have you got your small cashbook?—**A.** Yes.

Q. Have you got it there?—**A.** Yes. [Witness hands book to counsel.]

Q. I wish you would turn to this book and tell me what your personal expenses were in conducting the campaign of 1910.

Mr. JONES. Objected to, except from the date of the primary on and including the election.

Mr. LENAHAN. At the present time we are not asking about anything else.

A. I don't believe I can tell you from this book.

Q. Look at that book and tell me about how much.—**A.** After June 4, up to and including the election?

Q. Yes.

(Witness refers to book.)

Q. Give me the aggregate.—**A.** You will understand, Mr. Lenahan, I didn't make any entries in this book, nor did I tell the bookkeeper what to make.

Q. I am not asking you that at all. You said if you had that book you thought you could give your personal expenses in conducting this campaign at the general election. I asked you to bring that book and you have brought it. I now call your attention to the book and ask you to kindly give us the amount of your personal expenses, as you agreed to be able to do when you had the book here.—**A.** Do you want me to distinguish from the personal? You want the political expenses shown on this book, or my personal expense?

Q. I want the personal political expenses. When I say your personal expenses I mean your personal expenses in conducting the political campaign.—

A. In connection with June 4, there is an entry "Connell (pol. cam.)." I recall a man by the name that came—

Mr. JONES: That is the date of the primaries, on the 5th of June.

A. After the date of the primaries. October 28, I find an entry, "St. John, political work, \$25," in lead pencil above it, "Charge St. John."

Q. I wish you would give me the amount of money that you personally expended.—**A.** I am going to answer your first question first, and then I will come to the next one.

Q. Yes, but you are not answering the first question first.—**A.** I am going to answer it the way I want to, and then you can ask another.

Q. Of course you answer it the way you want to.—**A.** I am going to answer it right. Under date of November 8 I find an entry, "Expense for getting out vote, \$10." Then, in parenthesis, "Davenport, \$10." The next item below that, "Expenses election, .25;" then I find under date of November 10 the item, "J. Porteous, extra watcher, \$5." I find here, under date of November 17, "Expenses Hazleton trip (pol.), \$8.25." (W. C. Johnston). How far do you want me to go back?

Q. Mr. Bowman, let me repeat my question. Please give me—**A.** Please repeat it from the record.

(Read from the record:)

"I wish you would give me the amount of money that you personally spent?"

A. I have now given to you the items as they appear on the record in detail. First—one moment, I am not through yet—I find in this book apparently a recapitulation of the individual items, apparently put down so that it might be charged to certain accounts. Under date of September 10 I find the item, "C. C. Bowman, political, \$3.75," that is covered by the first item, I think, by an item shown under date of September 12, "O'Brien, pol. work, \$3," making a total of \$3.75, as shown by the recapitulation referred to. I don't find, under October, any recapitulation, any item for political work.

Q. I will ask you a question.—A. They did not—

Q. One moment, if you please, I will ask you a question. Give me how much, personally, your expenses were in conducting this campaign?—A. As you requested, I shall give you as nearly as I can the itemized account of the items expended for political work in this book.

Q. I am not asking you to give me the items. I will repeat again to you I want you to give me, in the aggregate, about how much your political expenses were in conducting this campaign. Will you answer that question, or won't you?—A. Yes. Now, on October 21—

Q. I am not asking you for the items. I will repeat it again. Give me in the aggregate how much your personal expenses were in conducting this campaign?—A. You asked me—

Q. I am asking you again. Will you answer the question? If you don't wish to answer it say so, and that is all.—A. I will answer it in my own way and not in your way, understand. On the 21st of October, 1910, there is an item, "T. J. O'Brien, politics, \$20." That doesn't show in the recapitulation.

Q. I will repeat it again to the witness. I ask him again to give me the personal expense that he incurred in carrying on this campaign.—A. I will state in response—

Q. I am not asking for any specific item.—A. I will state in response to that question, you have asked me for the items in connection with this political work shown in this book, and I will give them to you before I proceed, and then I will give you what you asked for. Under the recapitulation for November that, there is shown in the recapitulation, "C. C. B., political, \$79."

Q. I ask the witness again to answer my question and give me the expense that he incurred in carrying on his political campaign, personally.—A. I will add in this connection I had nothing to do with the recapitulations. They were made entirely by my bookkeeper, she using her judgment as to what the money might be used for.

Q. To which I desire to say that this is volunteered information conveyed by the witness, which I am not seeking. I have asked him a question. Mr. Bowman. I desire you to give me your personal expenses, what they were in conducting this campaign. The witness, manifesting evident reluctance to answer this question that I have put to him on many occasions, and being now more than half an hour since I began to examine him on this question, and he having made no answer other than those upon the record which are unsatisfactory and unresponsive to my question, I will waive for the present the examination of the witness in this particular line, and call upon the witness to be and appear prepared at the next hearing to give me at least some approximate of his personal expenses.

Mr. JONES. In response, the counsel for Mr. Bowman, the contestee, states that no such period of half an hour has expired, including his questions, and, furthermore, the witness is now endeavoring to find from his books, which Mr. Lenahan, counsel for contestant, asked him to produce at this time, if possible, any items of expense which appear therein in order to arrive at the total of his own personal expense.

Mr. LENAHAN. There are no entries of any import in that book showing his personal expenses, as counsel and the witness well knows. Mr. Bowman has stated that his personal expenses were \$150, and I am asking him for a nearer approximation. He said he could not tell until he had the book before him, which is now and has been in his possession since he made that statement. I desire to give notice at this stage to the witness that I want him at the next hearing to come prepared to give me the amount of his personal expenses, what they were in the aggregate during the last canvass.—A. They shall be here as close as I can make them.

Q. You have been promising that right along?—A. I have not, and you know better, and you are telling things that are not true. I say that for the last 10 years I have not kept no additional expense account; I mean an itemized ex-

pense account up to that time. I kept an itemized personal expense account, but since the time the bookkeeper has given me whatever money I asked for personal expenses, and has charged, in her judgment, what she thought I might have spent in connection with the political campaign; but I will furnish, as nearly as I can recall by conferring with any whom I might have been campaigning with, as to the exact amount of my political expenses. I may say that, in my judgment, it doesn't exceed the sum of \$25.

Q. You will please turn to your check No. 15778. That check is for how much?—A. \$5.

Q. To whom?—A. Charles C. Boyle, under date of June 6.

Q. What was that given for?—A. It states that it was given to Charles C. Boyle, treasurer of the Freeland Baseball Club. It was given as a subscription to the Freeland Baseball Club.

Q. What was that given for—and I am not asking about what the check shows—what was that check given for?—A. To aid the club.

Q. Was that given for political purposes?—A. No, sir; unless it is marked that way.

Q. I show you your stub and ask if it is not marked on there "political campaign"?—A. Made out to Bobby Clark, manager.

Q. Then that check was canceled and the check you read from now was made out in its place? Will you answer that, yes or no?—A. Yes; the stub states "adv." meaning advertisement; as my bookkeeper told me, political campaign. I recall now the circumstances connected with that check. By reference to the stub the circumstances in connection with the check come to my mind. This young man, Bobby Clark, came there and stated that they proposed to have a procession going to the ball ground and they would have a banner on which my name would be incorporated. That check was not used. A long time afterwards—I don't know how long, but after the election, I think—this young man, Charles C. Boyle, came into the office and said that Bobby Clark hadn't received the check and asked for another check. Let me see the check a moment, please.

Q. What is the date of that check?—A. It is dated June 6, but, as I recall the circumstances, it was given to him a long time afterwards.

Q. What is the date of the check that was paid, for which that other check was given?—A. It is dated June 6, to take the place of the original check that was dated June 6, that was sent to Freeland and a long time afterwards returned.

Q. And where it is that check it was given to take the place of?—A. That is in the book, attached to the check, No. 15778.

Q. What is the date of that check?—A. The date of that check is June 6, the same as the one given to replace it.

Q. Then you did give a check that was paid dated June 6?—A. Yes, sir.

Q. And you said that you understood that check was not given until after election?—A. That is my present recollection.

Q. Look at that check and see if you can tell when it was paid. [Handing witness check.]—A. I see by an entry on the back of the check it was paid; it was in Philadelphia June 29, 1910. You will recall in my testimony that I said I was not sure of the date, but I see it was in Philadelphia the 29th of June.

Q. When was that check paid, do you know, about when?—A. By the perforation on the face of it, on the sixth month, 30th day of June.

Q. Then you were a little mistaken when you said that the check given in substitution of the other check was not given until after election?—A. Yes, sir.

Q. The truth is that the check was given and paid long before election?—A. Yes, sir.

Q. I now call your attention to check No. 15787.—A. Let me see the stub of the check book. I recall it now.

Q. That is on your stub marked as having been given for the political campaign. The—three cuts for photos, political campaign, isn't it?—A. I don't know whether that word is for cuts for political campaign.

Q. Did you include either of these in your account as filed?—A. I don't know whether it was or not; you see, it was—

Q. It is unnecessary for you to go into a discussion about the merits of the case. I will show you your account and ask you.—A. I will explain.

Q. I ask you if it is included?—A. I will explain that. The account was made up by my bookkeeper. I had nothing to do with it whatever.

Q. Does your account as filed of your expenses show that this money was paid by you in politics? [Witness shown paper.] I desire you to answer yes or no.—A. I don't know.

Q. Have you anything included in this account you filed except the moneys you paid Jonathan R. Davis?—A. Yes, sir.

Q. Where?—A. The moneys shown in this statement.

Q. Nowhere included in the account as filed?—A. Included in this total.

Q. Have you got, as the account shows, anything charged in the account to yourself as having been expended except money paid by you to Jonathan R. Davis?—A. Now, this total—

Q. Now, just answer that question.—A. Substantially. This includes the amount of money paid in checks to Jonathan R. Davis, and also the amount as shown on the letter written him on the 18th November, 1910.

Q. I will now ask you again. Does that account include—in any way embrace the two items you have given now?

Mr. DANCO. He has answered it twice; he says that he doesn't know.

A. I don't know.

Q. And does what is in the letter, does that aggregate of the letter and the checks you paid to Jonathan Davis, does that embrace all the \$7,194.40?—A. No, sir. When this letter w. s written I asked my bookkeeper to enter upon it the items which went to make the total shown hereon. I will now read them.

Q. One moment, if you please. I am examining you and I asked you a question. Did this amount of \$7,194.40 that you, in your account of expenditures, charge yourself with having been paid out from October 1, 1910, to Jonathan Davis, the \$7,194.40? Now, Mr. Bowman, I now ask you what that embraces? You have told it half a dozen times here.—A. It embraces the checks sent to Jonathan Davis, and also the amount shown in the letter of November 18.

Q. Does it embrace anything else?—A. Not that I recall.

Q. How much of that is covered by the letter of November 18? How much is that amount?—A. The total, as shown here, is \$180.70.

Q. Then, Mr. Bowman, you paid Jonathan Davis \$2,000, October 3, didn't you?—A. You will have to give me the check book for that [refers to book]. Yes, sir.

Q. I want now, so that there will be no dispute about this account, I want the gentleman to state what that \$7,194.40 he has set forth as having paid Jonathan R. Davis, chairman, includes. Give the items of the amounts paid to Mr. Davis, so as to make up that \$7,194.40.—A. October 3, \$2,000; October 29, \$8,000; November 7, \$1,500; November 18, \$512.40; and with the items, as shown in the letter of November 18 added, makes a total of \$7,194.40.

Q. Now, give us the items in the letter of November 18, so we will straighten this out.—A. The items shown in the letter of November 18. Hadn't I better read the whole letter?

Q. No.—A. For extra watchers, \$91; printing, \$58.35; advertising, \$3; posting cards, \$19.10; traveling, \$8.25; furnishing carriage to get out the voters, \$2; total, \$181.70.

Q. Now, what do these amounts aggregate?—A. The total, as I told you, is \$7,194.40.

Q. And within 30 cents they cover the amount that you paid to Jonathan R. Davis—\$7,194.40—don't they?—A. Yes.

Q. So that these two items that I have been calling your attention to are not included in any account that you filed in court here?—A. No, sir.

Q. Now, turn to check No. 15790.—A. Doubtless the bookkeeper overlooked them, but they were paid by these checks.

Q. June 7?—A. And what is the other one? What is the date of these two checks? Let me see: one is June 7?

Q. This is the check to Peck? What was that given for?

Mr. DANCO. The witness wants to see the stubs.

A. I don't know what the check is yet.

Q. Haven't you the check there?—A. No.

Q. It is No. 15790.—A. I haven't seen the check yet. Check No. 15790 is William J. Peck.

Q. What was that for?—A. I can not tell without looking at the stub.

Q. You can not tell without looking at the stub?—A. No.

Q. And you don't know anything about the stub except what is entered on the stub?—A. Not that I recall.

Q. And you don't know if that is correct either? Your bookkeeper entered it and in many places she made mistakes?—A. No.

Q. She did not?—A. I didn't say in many places she made a mistake.

Q. Didn't you say many times false statements were made by your book-keeper unauthorizedly?—A. No; not unauthorizedly, I didn't; no.

Q. I will show you that.—A. No; you can't, unauthorizedly. You let me give the testimony in my way. You ought to be sick of this thing, and I believe you are.

Q. I never had so much fun in all my life.—A. I think you are sick, because you are a gentleman. I bet you were never so sick of anything in all your life. This is the item.

Q. I am not asking you what it is for; I asked what it is given for?—A. It was given to pay, as per the memorandum thereon, made by my bookkeeper for five single, 15,000 candidate cards, \$24.75; 16th, two oval halftones, \$3.50; 15th, 2,000 letterheads, \$8; charged to political campaign, \$36.25; 5-26, J. L. Harkness, cards, \$3; 6/6, E. L. Bowman, \$4; total, as shown, \$43.25.

Q. How much of that was given for political purposes?—A. \$36.25, as shown by memorandum.

Q. Did you include that in the account you filed in court?—A. What was the date of that? Wait a moment, there is a total in that of \$58.35 for advertising, and I am not sure whether that is included or not. This \$36.25—I don't know whether that is there or not. This item, I will say by the assistance of counsel on the other side, I don't think was included in that account.

Q. It was not included in the account that you filed?—A. No.

Q. Now turn to check No. 15806. Was that given for political purposes?—A. Not according to the record here.

Q. I am not asking you according to that.—A. No.

Q. What was that given for?—A. It was given for five tickets for a Polish excursion I had received from Paul J. Schmidt, stating that they were building a new church, and inclosing the tickets, and asking that the money be sent to him.

Q. How long have you known Paul Schmidt?—A. I don't know as I ever knew him personally.

Q. You know of him?—A. Nothing, any more than I think that he is a lawyer.

Q. You don't know that he is a politician, do you?—A. No; that check is marked "charity" on the stub. Charity No. 15809.

Q. That covers a multitude of sins?—A. I trust it will cover you, but some of your friends it won't.

Q. Turn to No. 15809.—A. That is a check dated June 11, to William J. Peck, \$4, and on the stub it is "0/2, 1,000 candidate cards, \$3.10; 6/10, 45 papers, .95."

Q. What do you mean by papers?—A. I don't know unless it is their publication. I think it was papers announcing my candidacy. This is a bill for the primaries.

Q. Did you turn that in at the primaries?—A. I don't know; the bookkeeper had entire charge of it.

Q. I will show you your account of the primaries. Do you say now that is for the primaries?—A. I say that I don't know; I have no means of knowing.

Q. Don't your returns for the primaries show that you paid no money to anyone except Jonathan R. Davis, but in addition to what you paid Jonathan Davis, \$75 to Thomas O'Brien?—A. Yes.

Q. Then that was not embraced in the primary account that you filed either, was it?—A. No.

Q. Look at No. 15814, check to Jonathan Davis, for \$600?—A. That check is marked, "June 14, to the order of Jonathan R. Davis, for political campaign, \$600."

Q. \$600 you paid Jonathan R. Davis?—A. Yes.

Q. Have you embraced that in your account?—A. That doesn't show in this account.

Q. So you didn't put that in this account?—A. No; that was not put in that account by my bookkeeper.

Q. Turn to check 15836, \$150, Jonathan R. Davis. Will you please tell us what that was for?—A. That is marked "political campaign."

Q. Political campaign. Did you turn that into your account?—A. No, sir; I recall what that was for.

Q. What was that for?—A. Paying the expenses of the delegates to the convention.

Q. The State convention?—A. Yes, sir; and not as you stated upon the record for hirelings or anybody else. It was for gentlemen.

Q. But you didn't turn that in?—A. No, sir; it was after my primary account was filed, a long time.

Q. Look at No. 15864.—A. Will L. Krist, for bill of July 1, 1910. **Marked**, "Barn, \$3.68; political campaign, \$7."

Q. Did you turn that into your account sworn and filed in this court?—A. From the reading of it I don't think that item was in. It was after the primary campaign, and I infer that he had not sent in his bill.

Q. You only infer that?—A. Yes; because I don't know anything about this thing.

Q. Look at No. 15873?—A. C. C. Bowman, \$50.

Q. What does this on here mean, "P. C. B." on the margin? On the margin of your check book what does the indorsement "P. C. B." mean?—A. Petty cashbook, No. 183.

Q. Have you it on there?—A. Yes; July 7. C. C. Bowman, referring to the petty cashbook, \$50 charged to the office cash.

Q. Look at No. 15879. How much is that check for?—A. That check is for \$135, marked upon the stub for Freeland Hose Co., \$10; Robert Bowmen, \$25—that is, Robert Bowen, \$25; that is Robert Bowen and Anderson, \$25; M. J. Reese, Nanticoke, \$15; Shephard Clark, \$10; Peck, A. D., \$30; Auto Club, \$30; D. V. Thomas, \$10; Rev. P. F. Meade, \$5; Leader Publishing Co., \$5; total, \$135; marked "political campaign."

Q. Did you turn that in, charging yourself with that expenditure that you filed?—A. That item, as far as I can see, does not appear on the report.

Q. I know whether it appears or whether it doesn't appear; I am not asking you that. I asked you whether you turned that in.—A. I had nothing to do with turning anything in; this was made up—I mean by this statement that my bookkeeper made up the total, and I knew nothing about the total, \$181.70, as shown on the letter which I wrote to Jonathan R. Davis.

Q. Mr. Bowman, I will ask you the question; I will ask you the question again. Did you swear to this account?—A. Yes, sir.

Q. Is that your handwriting?—A. Yes, sir.

Q. And will you swear that you didn't know what you were swearing to when you swore to that account?—A. I didn't know what it was that time; whatever was put on there was to the best of my knowledge and belief.

Q. Isn't that \$135 included in this account that you filed?—A. I don't think it is; I don't know.

Q. Why didn't you say so?—A. I will as soon as you let me.

Q. Look at check 15914.—A. This is a check drawn to the order of Jonathan R. Davis for political campaign, \$50.

Q. What was that for?—A. I don't know, and I can't recall. I have made every effort to find out what it was.

Q. Did you turn that in and swore to in the account you filed in court?—A. No; I don't think it is, but I done the best I could. I inquired in all directions and asked the bookkeeper and Jonathan R., and he said he didn't know what it was for.

Q. Look at check 15937.—A. This is a check to the order of H. J. Mahon, P. M., for two dozen envelopes, with the letter "O," meaning office, \$42.24. We buy stamped envelopes in large quantities.

Q. Were those envelopes used in the political campaign?—A. No.

Q. They were used in your business?—A. Sure; in my business.

Q. Look at check 15948.—A. This was a check to the order of the date of October 11, to the St. Nicholas Church, Buck Mountain, Laurytown Parish, for gift, charity, \$10.

Q. Did you ever see that church?—A. No; but the pastor wrote me that they were building a new church, and they were very poor, and asked me to subscribe, and in all my life I have never turned down an object of that character.

Q. Were you ever in Buck Mountain?—A. Yes; all through that country.

Q. Were you ever through Buck Mountain?—A. Not through Buck Mountain.

Q. When were you there last?—A. Yes; I was through Buck Mountain. I believe I rode through there in an automobile.

Q. Then you went through Buck Mountain?—A. Yes.

Q. When did the pastor write you that?—A. I think it was the day before. I sent the check immediately.

Q. Look at 15960.—A. William J. Peck, \$35, August 19, 1910, payable to the order of Henry L. Peck, and is for 800 Gazettes to the C. T. A. U., at Boston, and 1,200 Gazettes to the Jr. O. U. A. M., at Lake Ladore; C. C. B. Pol., \$30.

Q. That was for politics, wasn't it?—A. That is what the bookkeeper considered it.

Q. Was it or wasn't it?—A. I think that could be properly considered, properly considered so.

Q. Did you turn that into your account?—A. I think not.

Q. How much was it?—A. \$30.

Q. Look at check No. 15969.—A. Check under date of August 26, 1910, to the order of C. W. St. John for expenses, \$75.

Q. What expenses were those?—A. I can't state from this record.

Q. Were they politics?—A. I can't tell from this record.

Q. Couldn't you tell us, regardless of the record, what they were for?—A. No.

Q. You signed the check?—A. Yea.

Q. And you now don't know what they were for?—A. I don't. I can tell by reference to his expense account, which I have here. I find that C. W. St. John has charged himself upon his expense account for August, 1910, with \$75 received on the 27th. And as he was at Sayre, Pa., that day he probably—I know that on the 27th he spent \$25 for a Lehigh Valley Railroad mileage. When he asked for \$75 he showed, or usually included, a Lehigh Valley mileage; and I know that on the 27th he bought a Lehigh Valley mileage, being \$25, for which he accounted, and the balance he accounted for, part of it in August and the remainder probably in September.

Mr. JONES. Was it political expense?—A. No, sir.

Q. Do you now testify that you didn't pay Jonathan R. Davis anything for his services in the campaign—either general election or the primaries?—A. Not a dollar.

Q. Not a dollar?—A. No.

Q. From the time that he assumed charge of your campaign, previous to the primaries up until the present time, you have not paid him a dollar?—A. No, sir; not a dollar.

Q. And you didn't advance to him any money since that he paid off a note that was in one of the banks of our town?—A. Not a dollar.

Q. And amounting to \$1,000?—A. No, sir.

Q. You did not?—A. Not a dollar in any shape, manner, or form, or any emolument of any character of any kind to him or any other man during this entire campaign, as true as you are living and as I am alive and sitting here and looking at you and my Maker in the face.

Q. Where is your Maker?—A. Over all of us; and He is looking into your heart and into mine, and He knows whether you are sincere or not.

NATHANIEL JONES, called and sworn on part of contestant, sworn by Commissioner Turner.

Examined by MR. LENAHAN:

Q. Mr. Jones, where do you live?—A. North River Street.

Q. How old are you?—A. I am 30.

Q. For whom do you work?—A. The Lehigh Valley Coal Co.

Q. What do you work at?—A. I am a surveyor.

Q. What is your father's name?—A. Joseph Jones.

Q. What is his business?—A. He is district superintendent of the Lehigh Valley Coal Co.

Q. That is in Luzerne County?—A. Yes, sir.

Q. I believe you were paid \$5, were you not?—A. Yea, sir.

Q. For election purposes?—A. Yes, sir.

Q. How many days before election did you get that?—A. The night before election.

Q. Where did you get it?—A. Got it from Republican headquarters.

Q. Did you go down for it?—A. Yes; I was a city committeeman at that time.

Q. Did you get any more than that \$5?—A. I got \$10.

Q. You mean that you got \$10 in addition to the \$5?—A. No; I got \$10 altogether.

Q. From whom did you get the rest of the money?—A. From Maxey.

Q. And then you got \$5 from Maxey?—A. I got \$10 from Maxey.

- Q. When?—A. The night before election.
 Q. Did you pay any of that money out?—A. Yes, sir.
 Q. How much?—A. \$5.
 Q. To whom did you pay it?—A. To Walter Jones.
 Q. What relation is he of yours?—A. A brother of mine.
 Q. You were there at the polls on election day?—A. Yes.
 Q. You acted as an inspector, didn't you?—A. The inspector got sick; he was called away; his wife was taken very sick. She was at a sanitarium. The Rev. Mikel and I took his place.
 Q. You acted as an inspector?—A. Yes.
 Q. Was your brother around the polls, too?—A. Yes, sir; all day.
 Q. Notwithstanding the fact that you were paid to sit on the outside as a watcher, you went in and assumed the duties of an inspector, did you?—A. Yes, sir.

Cross-examination by Mr. JONES:

- Q. What time of the day were you appointed as inspector?—A. In the afternoon about 2 o'clock or 3 o'clock; they couldn't get anyone to take the position and they asked me to take it.
 Q. The election board asked you?—A. Yes, sir.
 Q. Everybody was satisfied?—A. Yes, sir.
 Q. There were workers representing both parties there at the polls?—A. Yes, sir.
 Q. And no objection was made to your sitting?—A. No sir; they couldn't get anybody to take it. I tried to get some one and I couldn't.

Redirect examination by Mr. LENAHAN:

- Q. That is a workingman's ward? Laboring men?—A. I believe it is, chiefly.
 Q. It is a district where the vote comes in the evening?—A. Yes, sir.
 Q. Most of the vote is polled from 4 to 7, isn't it?—A. Yes, sir.
 Q. And you were sitting as an inspector from 4 to 7?—A. Yes, sir.

JONATHAN R. DAVIS, recalled by contestant.

Examined by Mr. LENAHAN:

- Q. Mr. Davis, what banks did you do business in in 1910?—A. The First National Bank of Plymouth, the Kingston Deposit Bank, and the Deposit and Savings Bank of Wilkes-Barre.
 Q. Have you got your bank books in those banks with you?—A. I have not.
 Q. All your bank books?—A. I have the Wilkes-Barre Deposit books here.
 Q. But you haven't got the other banks?—A. No; I didn't know you wanted them.
 Q. Yes; I want all of them.—A. I will bring them here for you in a minute.
 Q. And your checks, too?—A. Yes.
 Q. We don't want them just now; but we will want them before we get through. Now, I wish you would tell me, Mr. Davis, the amounts of the first moneys that you received from Mr. Bowman in the campaign of the general election?—A. The first check I got from him was October 3, \$2,000.

- Q. Turn to your bank book and show me where that is.—A. That was deposited in my personal account in the Wilkes-Barre Deposit and Savings Bank.
 Q. Turn to your bank book and show where that is deposited.

(Witness refers to bank book.)

A. October 3, 1910, deposited \$2,205.

- Q. Then you deposited that \$2,000 that you received from Mr. Bowman with \$205 of your own, is that right?—A. Yes.

Q. And this was October 3?—A. Yes; October 3.

- Q. Was that the first money that you received from Mr. Bowman?—A. That is the first money that I received from Mr. Bowman.

- Q. When did you receive the next?—A. If you will let me—the next was \$3,000 I got from him October 31.

- Q. October 31, 1910?—A. Yes, sir; the \$2,000 was the first that I received from him in the campaign, as I have already testified.

Q. That was deposited?—A. \$3,100.

- Q. That was deposited in another account that you opened as Jonathan R. Davis, county chairman?—A. Yes.

Q. And that you opened on October 28, 1910, is that right?—A. That is right.

Q. Now, whether or not you received any moneys from any political sources

or for political purposes as chairman of the Republican county committee or manager specially of Mr. Bowman, that you deposited in your own account?—
A. No, sir.

Q. Then all the political moneys that appear in your own individual account, Jonathan R. Davis, individually, is the \$2,000 you received from Mr. Bowman? Is that right?—A. Yes, sir.

Q. I observe, in the examination of your account as Jonathan R. Davis, county chairman, you deposited \$810 on October 28?—A. Yes, sir.

Q. Where was that money from?—A. \$500 of that was from the State Republican committee.

Q. And the rest?—A. I can't account for every item there just now [looking at papers]. Well, I received a number of contributions along that time, made up of different receipts I accounted for here.

Q. Then this \$810?—A. That embraces the \$500.

Q. This \$810 embraces \$500 that you received from the State Republican committee, \$310 contributions?—A. Yes, sir.

Q. Who were some of the persons contributed to you?—A. Mr. Palmer.

Q. What did he contribute?—A. He contributed \$100.

Q. Who was the next?—A. Senator Catlin, \$250.

Q. That is \$350; that is part of the contributions now; \$310, what is that made up of?—A. I have \$520 here from the county officers.

Q. You have got here, Mr. Davis, \$810 deposited on October 28?—A. Yes, sir.

Q. And of that \$810 you say \$500 was a contribution of the Republican State central committee. What I want to know from you is what the other \$310 is made up of.—A. I can't positively designate what it is here. Gen. Oliver contributed \$10 and Woodward Leavenworth \$10.

Q. Do you know if any of that sum is included in the \$310?—A. I don't know positively.

Q. You have deposited \$100 October 29?—A. Yes; that was Gen. Palmer's contribution and Ed. Watts's contribution to us. He contributed \$100.

Q. You have, October 31, \$3,100.—A. \$3,000 of that is Mr. Bowman's.

Q. Who is the other \$100?—A. Either Gen. Palmer's or Ed. Watts's.

Q. You have here, November 1, \$250?—A. That is either the contribution of Senator Catlin or Senator James, I don't know.

Q. You have, on November 3, \$265?—A. That is either Senator Catlin's or Senator James's.

Q. How much did James contribute?—A. This \$520 there is from the county officers, and mostly was in cash; I made a deposit of \$265.

Q. On November 15, \$700; what was that?—A. Check that Mr. Bowman gave me.

Q. That is for the auto?—A. Yes; for the taxicab.

Q. Where did you have that taxicab at the time that you sold it to Mr. Bowman?—A. At Moore's garage.

Q. Where is that?—A. In Dorranceton.

Q. Dorranceton Borough?—A. Yes, sir.

Q. How far is that from Wilkes-Barre?—A. About two miles.

Q. When did you put that in Moore's garage?—A. I am not quite sure about that.

Q. It was in June, wasn't it?—A. No.

Q. About what time was it?—A. It was some time in October.

Q. Where did you have it before?—A. In the Wyoming Motor Car Co.'s garage on Washington Street.

Q. When did you put it there?—A. Some time early in the summer.

Q. Some time in June?—A. I think it was.

Q. Did you use it from June to October?—A. No, sir.

Q. It was in this garage all the time, was it, from June up until October, unused by you?—A. Yes, sir.

Q. Did you see it at any time before it was taken over to Moore's garage?—A. Yes.

Q. How far is Moore's garage from the place where you kept here in Wilkes-Barre?—A. About two miles.

Q. When did you see it previous to taking it over to Moore's garage?—A. I saw it about that time. I saw it several times.

Q. Did you see it from June up to that time?—A. Before that time; yes, sir.

Q. About what time did you see it?—A. I can't tell you the date.

Q. Where did you see it?—A. Over in the Wyoming Motor Car Co.'s garage.

- Q. What brought you over there?—A. I went over to look at it.
 Q. For what purpose?—A. No special purpose.
 Q. Why did you have it there?—A. I had it in there in storage.
 Q. It was in bad condition, wasn't it?—A. No.
 Q. Could it be run all right?—A. Yes, sir.
 Q. Weren't the tires worn?—A. Yes, sir.
 Q. Did you offer to sell it to Shepherd?—A. Yes.
 Q. How much did you offer to sell it to Shepherd for? \$300, wasn't it?—
 A. No.
 Q. How much?—A. I don't know that I offered to sell it to him. I asked him to come down and give me a bid on it.
 Q. Did he make you a bid on it?—A. I don't remember that he did.
 Q. You don't remember that?—A. I don't remember that he did. He told me that he couldn't use it.
 Q. Why?—A. Because he was supplied.
 Q. Where does Shepherd live?—A. Lives in Pittston.
 Q. He told you he couldn't use it because he was supplied?—A. That is what he told me; he said he had no use for it.
 Q. Where did you first meet him about this?—A. I don't know, Mr. Lenahan.
 Q. Did you go to Pittston to see him about it?—A. I don't know that I did.
 Q. Did he come to you?—A. I don't recall that he did.
 Q. Did he come to Wilkes-Barre to see you about it?—A. I don't know that, Mr. Lenahan.
 Q. Where was it you talked to him about his buying it?—A. I think that it was here in Wilkes-Barre.
 Q. You think it was here in Wilkes-Barre?—A. Yes, sir.
 Q. And he spoke to you about it before his going down to the garage?—A. No, sir; he didn't go over.
 Q. He didn't see it at all?—A. No, sir.
 Q. Did you ever offer the taxicab to anyone for \$300?—A. No, sir.
 Q. You did not?—A. No, sir.
 Q. How much was the highest you asked for it?—A. I never asked a price.
 Q. You never asked a price?—A. No, sir; I never asked a price.
 Q. Did any one ever tell you that you couldn't get over \$175 for it?—A. No, sir.
 Q. Was this \$700 paid, Mr. Davis, for political purposes or was it paid for the taxicab, or was the \$700 used as a blind?—A. It was paid for the taxicab.
 Q. You have been a business man for many years, have you not?—A. Yes, sir.
 Q. And you also have been the sheriff of this county, as you testified the other day?—A. Yes, sir.
 Q. And you deposited that check as chairman?—A. Yes.
 Q. And you deposited it in your account as chairman?—A. Yes.
 Q. Tell us what you did.—A. I did that to balance what I owed from my personal account.
 Q. What you owed for your personal account. Owed to who?—A. I owed the political account of Jonathan R. Davis, chairman.
 Q. The political account of Jonathan R. Davis, chairman?—A. Yes.
 Q. Mr. Davis, you received other moneys after you deposited that, did you not?—A. Yes, sir.
 Q. Show us where you balanced that, will you?—A. Balanced that with my personal account.
 Q. Show us how it balanced your personal account. You know that a few days after that you got considerable money.—A. Yes; if you go over the personal-check account you will find it.
 Q. No; I want you to show us.—A. The \$2,000 that Mr. Bowman gave me for the original campaign I put in my personal account. I had only checked out \$1,172 or \$1,172.26, I think it was. I put that \$700 in the political account because I had the difference between that and the \$2,000.
 Q. Because you owed Mr. Bowman that money; was that it?—A. No; I didn't owe him any money.
 Q. Whom did you owe?—A. Jonathan R. Davis, chairman.
 Q. If you had checked out that \$1,172—A. I didn't show the balance of the account—
 Q. What did you do, then?—A. Well, I used that account.
 Q. What did you do that for?—A. That is the reason.
 Q. Did that balance up your personal account?—A. No.

Q. Then, why didn't you balance it up from your personal account, if that was your idea?—A. I did it in another way. In addition, my account shows I accounted for that \$700 in that account because I owed it.

Q. I will ask you again: Did that balance it from your personal account, as you have testified to?—A. I didn't use it to balance my account.

Q. Didn't you say that you put it in there to balance your account?—A. I said that I put it in there for that purpose.

Q. Didn't you say that you put it in there to balance your account?—A. If I said it I will admit it.

Q. But you did say it, didn't you?—A. I think I did say so.

Q. That is not correct, is it?—A. Well, I deposited that—

Q. That is not correct?—A. No; it is not correct.

Q. Now, explain what it was for.—A. It is a plain proposition, I am sure. Mr. Bowman give me \$2,000. I had checked out \$1,172, and I knew that I owed my chairman account more than that amount and I put that \$700 in the political account to apply on what I owed it.

Q. Why didn't you put it all in? Why didn't you put it all in that you owed from your personal account?—A. That check was—

Q. Why didn't you put it all in?—A. I did eventually.

Q. Why didn't you put it in when you were putting \$700 in?—A. There was no necessity for it.

Q. Why wasn't there as much as putting a part back?—A. No special reason why I didn't.

Q. Will you tell me? This check was deposited November 15, 1910. You deposited on November 7, \$1,500 and on November 11, \$125. Explain to us why these deposits appear to have been made a period of time after this \$700 check is deposited. Tell us how it is.—A. The \$1,500 check was deposited before the 15th.

Q. What date was it deposited?—A. November 7.

Q. Does it appear there in the order in which the deposits were made as having been deposited after or before the \$700?—A. It does not—

Q. The truth is, then, that although the \$1,500 of Jonathan Davis's was deposited on the 7th day of November, 1910, that deposit does not appear as entered in this book until after the deposit of November 15, 1910, is that right?—A. Yes, sir.

Q. And again, on November 11, there was a deposit of \$125 made.—A. Yes.

Q. And that appears to have been entered after the deposit of November 15 was made, don't it?—A. Yes; and there is another—\$612.

Q. I am coming to that. And was the \$612 deposited after or before November 15?—A. No; November 26.

Q. I am asking you about those that were deposited before. I show you your individual bank book, Mr. Davis. Will you please pick out in this book of yours, beginning with 1907, this bank book, anywhere, deposits that have been made in the peculiar manner in which those two deposits are made. November 7 and 11 were made. Entered after the deposit of this \$700 in question on November 7. Pick out a similar case.—A. I think I can give you the reason for this.

Q. We will come to that in a minute. Just pick it out there.—A. Yes; here is one the same way (book) in 1909.

Q. Tell how much it is.—A. October 25 is ahead of the 23d.

Q. How much is it?—A. \$194.80.

Mr. DANDO. It is in ink and stamped the same as this one is over here?—A. Yea.

Mr. LENAHAN. When men commit offenses of this sort you can't escape suspicion.

Mr. BOWMAN. What is that? I will have you where you belong if you don't stop that.

A. And here is another one, marked May 11, 1909, \$50, and under it is March 24, \$115.60.

Q. Go on to the next; you have got the small amounts.—A. Here is October 17, 1908, \$116.74.

Q. What is the one above it?—A. March 28, \$43.52, and the one under it is February 10, \$143.60.

Q. These are all small items. That is all, is it?—A. Yes.

Q. While you are on this line I will call your attention to check of \$600 that was drawn to yourself.—A. Yes, sir.

Q. When did you put underneath there in pencil "C. C. B."?—A. I couldn't tell you.

Q. About when?—A. It was some time after the close of the election—the closing of the campaign.

Q. How long after the campaign, after the close of the campaign, was it? Was it when this contest was begun?—A. No.

Q. How long was it before the contest was begun?—A. When I began to make up my account.

Q. How long after the contest was begun?—A. Right after the election.

Q. You drew, October 5, 1910, \$600 in cash?—A. Yes, sir.

Q. What did you do with that?—A. Spent it in the campaign.

Q. Give us the items how you spent it.—A. I could not tell you the whole thing.

Q. Give us as near as you can.—A. That money was drawn toward the starting of the campaign for the purpose of—

Q. I am not asking you that. I want you to tell me what you did with the money.

Mr. JONES. He said he can't tell you.

Q. Tell me what you did with that \$600?

Mr. JONES. He said he can't recall.

A. I gave some of the money to Mr. James Wallace.

Q. Some of the money you gave to Mr. James Wallace?—A. Yes.

Q. Who is James Wallace; a mine foreman, isn't he?—A. Yes.

Q. How much did you give Mr. James Wallace?—A. I think about \$30.

Q. That was out of that \$600?—A. Yes, sir.

Q. About when did you give it to him, with reference to the time of the drawing of the check?—A. Right at that time.

Q. The same day?—A. Not the same day; about that time.

Q. Do you mean the day that you drew it out?—A. That day or the next day.

Q. Either that day or, to wit, October 5 or 6, you gave Wallace that \$30?—A. Yes, sir.

Q. Tell us what you did with the rest of the \$570.—A. I bought postage stamps.

Q. How much?—A. I don't recall exactly.

Q. About how much?—A. \$40 or \$50 worth.

Q. Go on like a good man and tell us all?—A. I will. I gave some of it to the county secretary.

Q. How much did you give to the county secretary?—A. \$25 or \$30.

Q. Who was he?—A. Jesse Briggs.

Q. Who else?—A. Lee Holcomb.

Q. Where was Wallace living when you gave it to him?—A. In Dorranceton.

Q. What did you give that money for?—A. To go out and work in the campaign.

Q. To go out and work in the campaign?—A. Yes, sir.

Q. What kind of work?—A. Political work.

Q. What kind of political work?—A. General political work.

Q. What do you mean by general political work? What was he to do for it?—A. He was to assist in the campaign.

Q. Assist in what respect? Do you mean to assist in the campaign by rushing the men into line for the Republican ticket, the men who worked under him?—A. No.

Q. What do you mean by that?—A. He visited different places on the west side.

Q. What places?—A. He was to Luzerne, Swoyersville, and Dallas.

Q. Was there any other purpose that it was given to him for?—A. No, sir.

Q. You gave Briggs, county secretary of the Republican committee how much?—A. Yes; about \$30 of it.

Q. Did he give you a receipt for it?—A. Not at that time.

Q. Did he give you a receipt at any time?—A. For secretary expense account.

Q. His expense account for what?—A. He had incidental expenses.

Q. What were they?—A. Buying stationery, typewriting, and other things in connection with headquarters.

Q. Was he stationed at headquarters?—A. Part of the time.

Q. And he was paid by the county for discharging his duties in the controller's office?—A. Yes, sir.

Q. And a part of the time he spent at Republican headquarters?—A. Yes, sir.
 Q. What was the typewriting that he charged for in this money?—A. I don't know.

Q. Didn't you ask him?—A. No, sir.
 Q. Who was the next man you mentioned as having paid money there?—A. Lee Holcomb.

Q. How much did you pay him?—A. Thirty or thirty-five dollars.
 Q. What did you pay him for?—A. Political purposes.
 Q. What political purposes?—A. The dissemination of information.
 Q. Disseminated where?—A. Any place in the county.
 Q. Any place in the county?—A. Yes, sir.
 Q. He was in the employment of the county, too, wasn't he?—A. Not all the time.

Q. Wasn't he supposed to be, and wasn't he paid for attending to his duties as chief recorder?—A. Yes.

Q. And he has been in that office for years?—A. Yes.
 Q. And on him and on his information everyone, both the public and the present recorder, are dependent for their knowledge of the fine matters connected with the office?—A. Yes, sir.

Q. When was he to disseminate this information—after office hours?—A. Yes, sir; after office hours.

Q. Where was he to disseminate it?—A. Pittston.
 Q. What was he to do in the way of disseminating this information?—A. I didn't give him any specific instructions.

Q. Did you give him instructions as to how to use this money?—A. No, sir.

Q. In other words, you paid this man who was in the employ of and who was paid by the county to work in his office, you paid him to work for the Republican ticket?—A. Yes, sir.

Q. This man who holds one of the most responsible positions in the court-house?—A. Yes, sir.

Q. Can you tell us some more men you paid for dissemination of information as you call it, but as I call it buying Democrats?—A. I can't answer that. I can't recall.

Q. Just try and recall it?—A. Some of the money was spent for posting cards.

Q. How much?—A. There was \$40 or \$50.
 Q. To whom did you pay it?—A. My brother got a part of it.

Q. How much?—A. I think \$30.
 Q. What for?—A. Posting cards.

Q. What does your brother do?—A. He is in the business with me.

Q. In your real-estate office?—A. Yes, sir.
 Q. Go on with some of the others. You haven't accounted for \$100 yet.—A. I gave Llewellyn \$50.

Q. When?—A. At the time.
 Q. What time?—A. October 5 or 6.
 Q. How did you pay him?—A. In cash.
 Q. Who else did you pay?—A. If those receipts were here I could tell you. I can't recall all that.

Mr. JONES. If you need the receipts to refresh your recollection, you need not answer until the receipts are here.

Q. I am now confining your attention to the \$600 that you drew out in cash.—A. That was the first thing in the campaign, and I could not give a detailed account of that; the receipts are filed for it I know.

Q. Give us the \$600.—A. I can't account for that—not in that way. I gave Bahny some.

Q. How much did you give him?—A. Twenty dollars.
 Q. He is the one I mentioned to you the other day, and you said you didn't know that he was employed in the recorder's office?—A. No; I didn't; not at that time.

Q. Have you found out since that he was?—A. I was told since that he was.
 Q. Go on.—A. A man by the name of James Hogan, at Wyoming.
 Q. Who is he?—A. I don't know who he is.
 Q. When did you give James Hogan any money?—A. He got some of that \$600.

Q. Before we leave Hogan, how much money did you give him?—A. \$10.
 Q. You gave Hogan \$10?—A. Yes, sir.
 Q. Of the \$600?—A. Yes, sir.
 Q. When did you give it to him?—A. About that time.

- Q. What do you mean by "about that time"?—A. The opening of the campaign.
- Q. Around the 5th of October you paid it to him?—A. Yes, sir.
- Q. It was election day when you paid it to him?—A. That receipt says November 4.
- Q. When did you pay that money to Hogan?—A. \$10 at the beginning of the campaign.
- Q. Is that receipt dated November 4? Is that the money?—A. I can't tell.
- Q. I am asking you to tell me from the moneys that you paid to Hogan.—A. I gave this man \$20 or \$30 altogether.
- Q. Tell me what you paid him out of that \$600. And when you——A. I paid him \$10 when we opened the campaign.
- Q. In or around the 6th of October?—A. Yes.
- Q. Have you a receipt for it?—A. I think there is one there for it.
- Q. How much money did you pay Mr. Hogan altogether?—A. I think \$20 or \$30.
- Q. Who was Mr. Hogan?—A. A man from Wyoming.
- Q. Did you ever see him before you paid him the first money?—A. He was brought to my office by Frank Gray.
- Q. Show me the receipts of money you paid him.—A. There is one there, \$10.
- Q. That is November. If you paid him November 4, you didn't pay him out of that \$600?—A. I am not sure whether he gave me a receipt at that time or not.
- Q. If you paid him on November 4, \$10, you didn't pay him out of that \$600?—A. No, sir.
- Q. You paid him \$20 or \$30, Mr. Davis, didn't you?—A. I think I did. There is a receipt, \$10, October 25.
- Q. To whom?—A. James Hogan.
- Q. Is this the same James Hogan?—A. Yes, sir.
- Q. Was this paid out of that \$600?—A. No, sir.
- Q. It was not?—A. No.
- Q. Go on.—A. Adam Rascavage.
- Q. No, no, no; I want you to give me the receipt of this \$10 that you paid Hogan in and around October, if you have a receipt showing that you paid him that.—A. It is not dated that way.
- Q. Have you got a receipt showing you paid him anything around October 5?—A. The receipts don't show that.
- Q. Have you got anything showing that you paid him?—A. No.
- Q. Did you pay him \$30?—A. I am not quite sure whether it was \$20 or \$30.
- Q. You have testified there is a receipt here bearing the date of November 4 for \$10?—A. Yes, sir.
- Q. And I asked you if that was paid November 4 would it be out of the \$600, and you said no. You have a receipt of October 25 of \$10, and I asked you if that was paid to him October 25 if it would be out of the \$600, and you said no.—A. That is the only one you asked me—October 25.
- Q. Didn't I also ask you if that was paid him November 4—\$10—would that be out of the \$600?—A. No, sir.
- Q. It would not?—A. No, sir.
- Q. Show me a receipt anywhere that you paid him \$10.—A. I am not sure of either of these two receipts that I paid at that time—I mean about the date.
- Q. The date speaks for itself.—A. That is very true.
- Mr. DANDO. Explain what you mean.—A. Well, I gave a lot of money out that I didn't get a receipt for at that time, but I got the receipts later on.
- Q. Did you give this \$10 to him, and you didn't get the receipt for when you gave it to him?—A. I can't state that.
- Q. You don't know?—A. No, sir.
- Q. Tell me who else you paid out of that \$600.—A. Adam Rascavage.
- (Counsel reading:) "Received from Jonathan R. Davis, \$20, for disseminating information, campaign of 1910."
- Q. When did you pay that money?—A. I paid that at the opening of the campaign.
- Q. What date?—A. I am positive that it came out of the \$600.
- Q. When did you get that receipt?—A. There is no date on it.
- Q. Do you say all that money that you paid Rascavage—Adam Rascavage—do you say that came out of the \$600? Do you say that, Mr. Davis?—A. I believe it did.
- Q. You believe it did?—A. Yes.

Q. Although that receipt is not dated and don't show when you paid Bascavage, does it?—A. No, sir.

Q. Tell me again when you paid him that money.—A. The first opening of the campaign I gave him some money; he came to my office.

Q. You gave him this \$20?—A. I think I did.

Q. Out of that \$600?—A. Yes; I think that I did.

Q. Go on with the next.—A. There is a man I don't know whether I gave him money that time or not; I am sure I can't account for it.

Q. Who is he?—A. I am not sure; I can't remember.

Q. You have only accounted for a little over \$200 out of the \$600.—A. I am not sure; I can't remember.

Q. Is that the best answer that you can give?—A. Yes.

Q. Is it not a fact that you have names returned here to whom you have paid no money at all?—A. No, sir.

Q. And you got receipts from them afterwards purporting to have been receipts from them for money from you, when, as a matter of fact, they received no money from you?—A. No, sir; that is not true?

Q. That is not true?—A. No.

Q. I will ask you the question again, give us what disposition you made of the balance of that \$600 that you failed to account for. You have now only accounted for about \$200.

MR. JONES. This is objected to by counsel for contestee, as Mr. Davis, the witness on the stand, has already answered at least that he can not recall distinctly the names of any other men to whom he paid money out of that \$600, and that he is not even sure that the names he has already given were paid out of that, but that there receipts for every man to whom he paid the money.

Q. I will put the question to you again, notwithstanding the attempts of the lawyers to save you in this matter. Will you give us the names of any other men to whom you paid out of that \$600? I wish to enter an objection here to the manner in which the witness turns to his counsel for information as to how he shall answer the question.

MR. DANDO. I wish to state on the record that the witness did not turn to his counsel, and if anybody says that he did it is not so, and counsel did not volunteer anything, either.

MR. LENAHAN. Wasn't he talking to you?

MR. DANDO. Yes; but not about that.

Q. I will put the question to you again, and don't talk to any of your lawyers while attempting to make an answer, either. Will you give us the names of any other men that you paid any of that \$600?—A. I can not.

Q. Now, can you give us any idea, either?—A. I can not at this time.

Q. Nor can you give us any idea what you paid it for?—A. No, sir; not at this time.

Q. You say you can not at this time; is there any way by which you can at some time tell us?—A. I don't know that there is.

Q. Will you tell us when you paid the last of the \$600 out?—A. No, sir.

Q. That you can not account for?—A. I can't tell. I have accounted for it in my account.

Q. You say that you have, but you didn't account for it here on the stand under my examination?—A. I can't account for every expenditure in detail.

Q. Did you account for it in my examination here?—A. No, sir.

Q. Did you account for that \$600 under my examination here?—A. No.

Q. Can you give us any idea when you paid the last of that \$600?—A. No; I can't.

Q. And that is the best answer you can give to my request to you that you account for the expenditure of at least \$400 of this \$600?—A. Yes.

Q. I desire to show you now Alexander's Concert Band that was paid on the 6th of October \$66.—A. Yes.

Q. Why didn't you pay it out of that \$600 in cash you put in your pocket the day before?—A. Because I mailed a check.

Q. Don't Mr. Alexander live in this town?—A. Yes, sir.

Q. And although you had cash in your pocket at that time, or most of it, the only reason for drawing the check was because you mailed him a check?—A. I mailed him a check. I had that bill on my desk for some days and I mailed him a check for it.

Q. That bill you drew a check for \$66 to Mr. Alexander, you had that bill for several days?—A. For a few days.

Q. You said several days before you drew the check?—A. Yes.

Q. Although you had, according to your calculations, in your pocket at the time \$600?—A. I mailed him a check.

Q. Although you had somewhere in the neighborhood of \$600 in your pocket in cash?—A. Yes.

Q. And you drew that \$600 out for political purposes?—A. Yes; and put it in my safe.

Q. And you drew it out for the purpose of disposing of it in the interest of Mr. Bowman?—A. In the interest of the campaign.

Q. You drew that money out—why didn't you say this is my account, in the interest of Mr. Bowman, when you have it marked "drawn out in the interest of Mr. Bowman"?—A. Yes.

Q. And then it was drawn out in the interest of Mr. Bowman?—A. Yes.

Q. I observe, Mr. Davis, a cash check of yours marked "personal" for \$125. What is that for?—A. My personal use.

Q. Your personal use?—A. Yes.

Q. Did you use any of that for political purposes?—A. No, sir.

Q. I observe here that on the 12th day of October, a week after you drew the \$600, you drew a check of \$5 in the interest of C. C. Bowman?—A. Yes.

Q. Did you have any of the \$600 in your possession then?—A. I don't know.

Q. Did you spend \$600 in a week?—A. I can't recall that.

Q. You don't know whether you had a dollar of that \$600 in your possession on the 12th of October, a week after you drew it?—A. I couldn't tell you now.

Q. And you can't give us no idea?—A. No, sir.

Q. I notice a check here drawn within nine days after you drew the \$600 in cash and put the \$600 in your pocket.

Mr. DANDO. He said that he put it in the safe.

Q. Didn't you have to put it in your pocket until you got back to your safe?

Mr. DANDO. Maybe he didn't draw it himself.

Q. He said he drew it himself. I understood him to say so. I see within nine days—I repeat my question again—after you had drawn \$600 and put the \$600 in cash in your pocket that you drew a check of \$15 to the Courier Herald Publishing Co.?—A. Yes, sir.

Q. Did you have any of this cash then?—A. I can't recall that I did.

Q. You don't know whether you had or not?—A. No, sir.

Q. Can you give us any idea?—A. No, sir.

Q. You also drew a check of \$5 on C. C. Bowman's account, as you put it here, C. C. Bowman, the same day to Rev. J. J. O'Malley?—A. Yes.

Q. What were you paying clergymen \$5 on Mr. Bowman's political account for?—A. That was for advertising.

Q. An advertisement for what?—A. I don't know what it was for, but I was instructed to make that check payable to Rev. J. J. O'Malley, to pay this advertising bill of \$5.

Q. Why, Mr. Davis, within nine days after that you drew a check for \$2, didn't you?—A. Yes.

Q. Then, you didn't have \$2 of this \$600 left at that time?—A. I mailed him the check.

Q. Of course you mailed it, but did you have \$2 left of that \$600 at that time?—A. I couldn't tell you.

Q. Isn't De Mun's establishment close to your office?—A. Yes.

Q. But three or four doors from your place, isn't it?—A. Yes; and Frank Nuss's office is in the same building, and I always send him a check for my rent. I pay all these bills by check.

Q. You don't know whether you had \$2 of this \$600 or not?—A. I couldn't tell.

Q. And you can't tell whether you had spent all the \$600 within a week after you drew it out?—A. I can't account for it now.

Q. You also drew a check on behalf of Mr. Bowman for \$10 on the same date, October 15, didn't you?—A. Yes.

Q. And one on the same date to Claude H. Cook for \$5?—A. Yes, sir.

Q. Who is he?—A. Advertising in the Programme at Polis.

Q. And on the 17th you drew one to John J. McDevitt; that was advertising, too, was it?—A. Yes, sir.

Q. And you also drew one on the 18th to Thomas Oliver for \$16.75?—A. Yes.

Q. Who is he?—A. That was for posting cards.

Q. And you also drew one for \$30 to Charles H. Guscott?—A. Yes.

Q. What was that for?—A. That was toward paying the fellows in Hazleton for the registration.

Q. You gave him the money to pay the men who had worked on the registration?—A. On registration day.

Q. You gave him the check, didn't you?—A. Not in Hazleton.

Q. His duties bring him to Wilkes-Barre?—A. Yes.

Q. He is in the sheriff's office?—A. Yes.

Q. When did you see him about paying for the registration?—A. The day I gave him the check.

Q. In your office?—A. Yes.

Q. Why didn't you give him the cash?—A. I gave him a check.

Q. Why?—A. For no special reason.

Q. You didn't take the trouble to see whether you had it or not?—A. No; I gave him a check for \$30.

Q. How much money did you have on October 5 of Mr. Bowman's when you drew the check for \$600? How much did you have in the bank of his?—A. He gave me \$2,000.

Q. Then, you had \$1,400 of his in the bank, did you, after you drew the check?—A. I don't know.

Q. Will you please tell us how much you had?—A. I don't know.

Q. Is there any way that you can tell?—A. No, sir.

Q. From your check books or anything else?—A. No.

Q. Even by an examination of your check books?—A. I don't think so.

Q. I wish you would try to do it, will you?—A. Yes.

Q. I asked how much of that \$2,000 was in there after you drew that \$600? Mr. JONES. That was the first thing he had drawn out of the \$2,000.

Q. That is what I want to know. He says he don't know. How much money did you have on October 5 of Mr. Bowman's when you drew that \$600? How much did you have in the bank of his? He gave you \$2,000, and if that is the first you drew, then you must have had \$1,400.—A. Yes.

Q. Then, you were mistaken a while ago when you said you did not know how much you had in there?—A. Well, I would naturally have—

Q. Never mind what you had naturally. I want to know how much you actually had, if you know, not what you would naturally have?—A. Yes.

Q. \$1,400?—A. Yes.

Q. Please tell me how much money you had withdrawn from the \$2,000 Mr. Bowman gave you up until the 20th October.—A. Up until the 20th of October [refers to check book], \$808.46.

Q. That is \$808.46; is that right?—A. Yes.

Q. And \$600 in cash you drew out?—A. No; that is included.

Mr. JONES. Is that included?

A. Yes, sir; that is included.

Q. Is that included in the \$800?—A. Yes, sir.

Q. Tell me when you got the next money from Mr. Bowman.—A. October 31; \$3,000.

Q. Up to October 30 how much money had you drawn out of the \$2,000?—A. Up to October 30?

Q. Yes.—A. Up to and including October 30, \$1,148.26.

Q. That includes the \$600, does it?—A. Yes.

Q. Can you give me the names of the parties and the amounts to whom you drew these checks up to and including October 31, starting out with the \$600? That is, the first money that you drew, the \$600, out of the \$2,000. Go on with the rest. Give me the names and the amounts.—A. October 5, 1910, cash, \$600; October 6, Alexander's concert band, \$66; October 10, P. A. Updyke, \$5; October 10, cash, \$50; October 12, Veter Meade, \$5; October 13, Adams Express Co., \$3.71; October 14, Elmer E. Airey, \$5; October 15, Rev. J. J. O'Malley, \$5; October 15, De Mun Sign Co., \$2; October 15, Courier-Herald Publishing Co., \$15; October 15, Mann Indicator Co., advertisement in an electrical sign, \$10; October 15, Claude H. Cook, \$5; October 17, J. J. McDevitt, \$5; October 17, Frank J. Kreig, \$15; October 19, Thomas Oliver, \$16.75; October 21, Charles Guscott, \$30; October 21, J. L. Behee, \$6; October 21, Frank Gray, \$14.50—

Q. Frank Gray, in this connection, is the man who brought Hogan to you?—A. Yes, sir.

Q. When was it you paid him that?—A. October 21; we had a political meeting in Wyoming.

Q. October 21?—A. Yes; October 22, T. R. Callery, \$25; October 22, C. F. Murray Furniture Co., \$138.30; October 23, Wilkes-Barre Railway Co., \$21; October 24, Slovenski Novem, \$25; October 24, Jesse Briggs, \$20; Gomer Tasker, \$10; October 25, James A. Hogan, \$10; October 26, John Karboaski, \$40.

Q. Wait a moment. I want to get that amount. Go on, then, read the next.

Mr. JONES. That is in answer to your first question. You asked him to give the names of the men he paid up to October 30.

Q. How much is that?—A. \$1,148.25.

Q. Now, did you draw a check on October 31 for any political moneys?—A. On October 31?

Q. Yes.—A. \$2 to Thomas H. Jones.

Q. Go on with the rest as they appear in your personal account.—A. November 22, \$22 to Dan E. Thomas.

Q. And you have drawn no checks against your personal account after October 31, is that right?—A. November 22 I drew a check to Dan Thomas for \$22. (Hearing adjourned until 10 a. m. Thursday, Mar. 9, 1911.)

THURSDAY, MARCH 9, 1911.

Hearing reconvened at 10 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John E. Jenkins, Esq., A. C. Campbell, Esq., counsel for contestant; Arthur L. Turner, Esq., contestant's commissioner. C. C. Bowman, contestee, in person; Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., contestee's commissioner.

Mr. JONES. The witness, Jonathan R. Davis, as requested by the contestant yesterday, submits for examination his check book and deposit book in the First National Bank of Plymouth, Pa., and his check book and his bank book and deposit book in the Savings & Deposit Bank of Kingston, Pa. These are submitted for examination and inspection on all matters therein, back to and including the day of the primaries, June 4, 1910.

OLIN HARVEY recalled by contestant.

Examination by Mr. JENKINS:

Q. I think you have testified that you are deputy prothonotary of Luzerne County?—A. Yes, sir.

Q. And you have in your office in your custody the election returns of the vote of the fall election held in Luzerne County?—A. Yes, sir.

Q. Have you been requested by the contestant in this case to make a search for the election returns from the fourth district of Pittston Township?—A. Yes, sir.

Q. And have you made such search?—A. Yes, sir.

Q. Have you been able to produce them?—A. No, sir.

Q. Have you been able to find them in your office after a diligent search?—A. No, sir.

Q. Whether or not the fourth district of Pittston Township is a district over which there was a contest at the time of the counting of the vote?—A. Yes, sir.

Q. Were those election returns in the possession of the prothonotary of Luzerne County subsequent to the time the vote was counted by the court as a canvassing board?—A. No, sir.

Q. They have not been in the possession of the prothonotary since that time?—A. No, sir.

Q. Then, they disappeared at the time of the count; is that true?—A. Yes, sir.

Q. So far as you know, are there any other election returns of November 8, 1910, that have disappeared from the office of the prothonotary?—A. Yes; one. It didn't disappear from the office of prothonotary, though.

Q. From what other district?—A. The south district of Pittston Township.

Q. The fourth district of Pittston township, as to which you have testified that the returns are missing, is that the district in which the court rejected the returns so far as they related to the Democratic candidates; is that right?—A. Yes; they were rejected, but just what part I don't recollect at this time. •

Cross-examination by Mr. JONES:

Q. When you say the fourth district of Pittston Township, can you designate it by its common name? Whether or not it is known as the Brownstown district?—A. I think it is called the Brownstown district.

Q. That is the district in which the entire Democratic vote was thrown out by the court after hearing?—A. My recollection is that the whole vote was thrown out—the whole district was disregarded.

Q. Without reference to party this whole district was disregarded. You don't mean subsequent to the official count by the court in these two districts that the sealed returns in these districts were either taken or stolen from your office?—A. No, sir.

Q. As a matter of fact, after the vote has been officially counted by the court, all of the returns are left with the prothonotary?—A. They should be. In this case they were not.

Q. As a matter of fact that is what should be done with them?—A. Yes, sir.

Q. But at the election of 1910, or rather at the official count of the election of 1910, a dispute arose as to certain districts in the county and the congressional district?—A. Yes, sir.

Q. And testimony was taken before the court relative to these districts?—A. I believe so.

Q. And when you came to examine the returns which were brought down to your office from the court that you might put them in alphabetical order and file them, there were two returns missing?—A. Yes, sir.

Q. In other words, they never came back to your office?—A. Yes, sir.

Q. Don't you know, as a matter of fact, that they were retained by the president judge and by him handed over to the district attorney for examination?—A. No, sir; that is first I heard of it.

Q. In whose custody would they be upstairs while they were before the court?—A. They might be in the custody of one of the employees of the court; or Elias Cohen, clerk of the judges, he might have them.

Q. Have you made any examination or investigation as to why these two particular returns have not been returned to your office?—A. No.

Q. Why not?—A. I never went beyond the fact that they never came back to our office.

Q. Didn't it occur to you that that was something unusual?—A. Well, yes, sir.

Q. What effort have you made, if any, to find those returns?—A. Nothing but to search in the office.

Q. Will you go immediately to the courthouse and ascertain from the president judge of this county the whereabouts of those returns, if he knows of them?—A. Yes.

Q. See if you can't find out very quickly that they were turned over to the district attorney, who now has possession of them. Will you do that?—A. Yes, sir.

Q. I wish you would. They are not stolen; you can have them.

JONATHAN R. DAVIS, recalled on the part of the contestant.

Examined by Mr. JENKINS:

Q. You have produced here or given testimony at the previous hearing from your book, being the check book upon the Wilkes-Barre Deposit & Savings Bank of Wilkes-Barre, showing your personal account?—A. Yes, sir.

Q. This book begins with check No. 1001, to wit, October 5, 1910?—A. Yes, sir.

Q. You were then chairman and for a couple of months had been chairman of the Republican county committee and manager of the campaign of Mr. Bowman?—A. I was county chairman at that time.

Q. And had been for a number of months and had been manager of Mr. Bowman's campaign from April or May preceding that date?—A. I was manager of his campaign at the primaries.

Q. And continued during the campaign itself?—A. No; I was county chairman in the campaign.

Q. And you were manager of Mr. Bowman's campaign?—A. No; I was county chairman.

Q. Weren't you manager of Mr. Bowman's campaign for the election as well as for the primaries?—A. County chairman covered the same thing.

Q. You were his manager for the election?—A. Yes, sir.

Q. You were subpoenaed to produce your account books and your bank books?—A. Yes, sir.

Q. Why have you not produced your check book on the Wilkes-Barre Deposit & Savings Bank, of Wilkes-Barre, prior to October 5?—A. That book includes everything in connection with the campaign.

Q. Do you refuse to produce your check book for the period prior to the 5th of October and subsequent to the primaries?—A. That check book includes everything—includes the election.

Q. Answer the question, Mr. Davis; do you refuse to produce your check book on the Wilkes-Barre Deposit & Savings Bank for the period of June 4 to October 5, being the date of the first check from the check book now produced?

Mr. JONES. He does, under advice of counsel.

A. On the advice of counsel, I do.

Mr. JONES. The witness has produced here a check book, the first check of which is dated October 5, 1910, which is the first money that he drew out of any bank in the campaign of 1911, either in the congressional fight or for any legislative office. He had with that book his deposit books, which have been examined back so far as the contestant has desired to examine, for the reason that the witness has produced all check books from the date when Mr. Bowman gave him his first check of \$2,000; and for that reason he has accounted and submitted here the checks and check books showing every withdrawal of money subsequent to that time. He is advised by counsel he is not obliged to permit contestant or his counsel to ramble through his personal check book, which do not in anywise appertain to this inquiry or the subject matter thereof.

Mr. JENKINS. The contestant states, on the record, that he has notified and subpoenaed the witness upon the stand to produce his check books and other records for the period covered by his administration of the affairs—political affairs—of the contestee, including a period from June 4 to October 5, 1910, for the purpose of testing by his testimony and an investigation of his accounts the correctness of the allegations now gratuitously made by counsel for the contestee on the record, and the witness upon the stand, upon advice from counsel, refuses to produce the records which might produce the correctness of that statement.

Mr. JONES. Counsel for contestee desires further to state and dictate upon the record that Mr. Davis's testimony heretofore given shows in the primaries he was manager of Mr. Bowman's individual campaign. That in the campaign for the general election, which is the only matter properly within the scope of this inquiry, he was made chairman, not only for Mr. Bowman, the congressional candidate, but for all the candidates in the county, which is coextensive with the congressional district. He was selected county chairman about the 1st or the 2d of October, and received his first check from any source in this campaign a day or so afterwards, to wit, the check of \$2,000 from Mr. Bowman.

Mr. JENKINS. In your testimony last night you produced certain checks, beginning with check No. 1001, to your order for \$600, dated October 5, 1910, which you testified had been drawn upon your personal account for the payment of expenses connected with Mr. Bowman's campaign; is that correct?

A. Yes.

Q. And the checks so drawn by you aggregate how much? The checks drawn by you upon your personal account aggregate how much?—A. \$1,172.26.

Q. These checks are drawn by you upon your personal account in the Wilkes-Barre Deposit & Savings Bank of Wilkes-Barre?—A. Yes, sir.

Q. And they represent all the moneys which you drew for your personal account for the payment of campaign expenses of C. C. Bowman; is that correct?—A. Yes, sir.

Q. That is correct?—A. Yes, sir.

Q. You made no application of any moneys deposited to your personal account in the Wilkes-Barre Deposit & Savings Bank—you made no application of such moneys to the campaign expenses of C. C. Bowman other than the amounts aggregating \$1,172.26, to which you gave testimony last night; that is true, is it?—A. Yes.

Q. You testified here last night that on the 3d of October, 1910, you deposited to your individual account in the Wilkes-Barre Deposit & Savings Bank \$2,205, of which \$2,000 was money given to you by Mr. C. C. Bowman to be applied to your campaign expenses; is that correct?

Mr. DANDO. Not as his campaign expenses. It was not his campaign expenses. It was campaign expenses. He has told you that he was chairman of the Republican county committee for the Republican campaign.

Q. Now, answer; is that correct?—A. Yes, sir.

Q. And against that \$2,000 you drew these checks you have testified to, \$1,172.26?—A. Yes, sir.

Q. What did you do with the rest of the money, Mr. Davis?—A. What do you mean?

Q. What did you do with the rest of the \$2,000 deposited in this account? Does it still remain there?

Mr. DANDO. Objected to, because this entire matter was covered at the hearing of yesterday by Mr. Lenahan.

Q. Now, Mr. Davis, will you answer the question?—A. You asked what became of the balance of the \$2,000?

Q. Yes.—A. It was put into the political account.

Q. How did it get out of your personal account if these are the only checks that you drew?—A. That don't make any difference.

Q. Just answer the question.—A. I received cash, except what is put in my check account. I don't understand what you mean.

Q. I am asking you how the balance of this \$2,000 got out of your personal account and was applied to Mr. Bowman's campaign expenses, if these are the only checks that you drew?—A. I don't see the point.

Q. Do you say you can't answer that question?—A. Other moneys were used to balance that account of the \$2,000 of Mr. Bowman's in the county chairman account.

Q. What other moneys were used? What other moneys were used to balance that account?—A. There was a check of \$700, which I deposited to make up that deficiency.

Q. That was a check you received marked on the stub of Mr. Bowman's book for political expenses, was it not?—A. I don't know.

Q. It was marked for political expenses, and the mark for political expenses and the words "for political expenses" erased, and the words "personal for taxicab" entered on the stub?

Mr. JONES. That is not so; that is not what was marked on there, as shown by the testimony.

A. No; that is not true.

(At this point a wordy altercation occurred between counsel on both sides relative to the accuracy of the statement of Mr. Jenkins. During this time Mr. Bowman, Jr., called some one a liar, and Mr. Campbell, counsel for contestee, makes the following statement: The contestant protests against Mr. C. C. Bowman calling Mr. Jenkins a liar, and afterwards repeating that the statement was a lie, and we ask and beseech the counsel for the contestee to suppress the vicious inference of C. C. Bowman, as well as with counsel. We ask that John H. Dando, counsel for contestee, take his seat beside his client, Mr. Bowman and the other counsel, Mr. Evan C. Jones, and quit coaching the witness, the Hon. Jonathan R. Davis, whenever a question is propounded to him.)

To which counsel for the contestee responds that he desires it placed on record that the only thing vicious so far that has occurred at this hearing this morning is the statement just read into the record by counsel for contestant. Mr. Bowman did not call Mr. Jenkins a liar at any time. Mr. Jenkins, in his question put to the witness on the stand stated as a fact that upon the check stub of Mr. Bowman, opposite the check drawn for the taxicab, there appeared there the sole entry that this check was drawn for political purposes. Counsel for contestee asked Mr. Jenkins to make a correction of that, because the fact as he stated it in his question was not so, as appears in the record. The correction then made by Mr. Jenkins states that this is a fact, that the check stub aforesaid originally showed for political purposes and that subsequently an erasure was made and that there was then written on that check stub, "personal for taxicab," which Mr. Jenkins, of counsel for contestant, knows, or should know, is not the fact in this case, and if he persists in framing the question which is already stated upon the record we will insist that he confine himself strictly to the truth under these facts.)

Mr. CAMPBELL. Before the hearing is resumed we again ask and request the counsel, Mr. Dando, to take his seat with the contestee and his counsel, Mr. Evan C. Jones. He is now within 1 foot of the witness by the contestant's counsel.

Mr. DANDO. Counsel for contestant has declared that Mr. Dando has coached the witness. Such a declaration is false, and in plain speech it is a lie.

Mr. JENKINS. Now, Mr. Davis, correcting my question, by stating on the record that the check which showed an erasure and substitution of other lan-

guage, as counsel for contestant now recalls, was not the check to which your attention has been directed, but the check for \$50 which your principal, Mr. Bowman, drew, and made a gift of the proceeds thereof to a newspaper man in this town, marked "duty." So correcting the question and directing your attention to the check, I ask you now whether the check you now refer to was not the check or stub on which was entered "for political expenses" or words to that effect, and over that in parenthesis was marked "personal for taxi-cab." Is that the check you now refer to?

A. Yes, sir.

Q. And is also the check you indorsed as chairman and deposited to your account as chairman?—A. Yes, sir.

Q. What did you do—allowing that check is to be applied as you have testified; that accounts of \$1,872.26 of the \$2,000 that you thus deposited on October 5, 1910, doesn't it?—A. Yes.

Q. What happened to the other \$127.74?—A. That was paid out in cash, for which receipts are on file.

Q. How did you get it out of your personal account? You say you drew no personal check for it?—A. I took it out of my business.

Q. You applied your personal income to it?—A. Yes.

Q. Calling your attention to check No. 1007, dated October 8, 1910, for cash \$125, marked "personal," was that cash you drew out?—A. Yes, sir.

Q. Isn't there an erasure there, Mr. Davis? Wasn't there something else written underneath "personal" at one time from the time the check was drawn?—A. I do not think so.

Q. Do you have any recollection on that subject?—A. No, sir; that is money went into my family.

Q. On October 10, 1910, you drew a check No. 1011, cash \$50, which you have marked "C. C. B." Is that correct?—A. Yes, sir.

Q. Was that money you drew out for political expenses?—A. Yes, sir.

Q. That with the \$600 covered by the check of October 5, which was cashed, makes up the \$650 which you had drawn out of your personal account of these moneys to be applied for political purposes?—A. Yes.

Q. In your examination yesterday by Mr. Lenahan, you accounted for a payment of \$30 to Wallace, one of \$40 postage, one of \$30 to Briggs, \$30 to Holcomb, \$30 posting cards, \$50 to Llewellyn, \$20 to Bahny, \$10 to Hogan, and \$20 to Riscavich, making a total of \$200 of that \$650 so drawn out by you. Is that correct?—A. Yes, sir.

Q. Can you go on now, you have had time for examination, can you go on now and state the application made by you of the remaining \$390 of that cash drawn out by you?—A. No, sir; I can't.

Q. You can not?—A. No, sir; I can not.

Q. These checks that you have testified concerning, aggregate \$1,172.26, in a number of instances, to wit, check 1001, dated October 5, for \$800; 1002, dated October 6, \$60; No. 1029, dated October 15, for \$2; 1030, dated October 15, for \$15; 1033, dated October 15, 1910, for \$10; and others have been marked "C. C. B."?—A. Yes.

Q. In each instance?—A. Yes.

Q. C. C. B. is in pencil?—A. Yes.

Q. I will ask you if that mark upon the stub of the check is in your handwriting?—A. Yes, sir.

Q. In pencil?—A. Yes, sir.

Q. The check in each instance was drawn by a pen and ink, were they not?—A. Yes, sir.

Q. You afterwards went through this check book and marked the checks with a pencil "C. C. B."?—A. Yes, sir.

Q. When did you thus mark them?—A. I can't tell you the exact date.

Q. Wasn't it after this contest had began?—A. No, sir; it was when I fixed up my account.

Q. When you fixed up your account?—A. Yes, sir.

Mr. JONES. He means when he filed his account in court.

A. I testified to that yesterday.

Q. You say, then, you made those pencil notations here at the time you fixed up your account?—A. Yes, sir.

Q. And now, being prompted by counsel, you say that the time you fixed up your account—you mean the time you prepared your account to be filed in the office of the clerk of the courts in this county?—A. Yes, sir.

Q. Mr. Davis, I ask you why it appears in this check book and the stubs thereof, from October 5 to March 8, why it appears that in practically every instance in the drawing of 213 checks—with the exception, so far as I have been able to ascertain by inspection, of but one check, namely, No. 1005—why it happens that in every other instance where the check was drawn for personal charges the object of application of the money is marked on the stub of the check in ink at the time, apparently, that the check was drawn, but that that practice was not followed with respect to those checks that you were obliged to go over subsequently and mark "C. C. B." in pencil. Can you explain the reason for the practice in the one instance and the failure to follow that practice in another?—A. No.

Q. I will show you the checks and ask you whether it is not a fact that, with the exception of the check that I have designated, all the other stubs contain a record of what the check was drawn for in ink and apparently the same handwriting as the name and the amount. That is a fact, isn't it?—A. Yes, sir.

Q. And you say now you are unable to give any reason why the stubs which were subsequently marked by you "C. C. B." in pencil have no indication of what the checks were drawn for while it has been your practice to mark on the stubs of your personal account in all other matters the purposes that the checks were drawn for?—A. No; I can not give the explanation.

Q. You can give no explanation of that?—A. No.

Q. I call your attention to your account book with the Wilkes-Barre Deposit & Savings Bank, to that account, and ask you to read into the record the dates and amounts thus deposited by you. Before putting it in, I ask you to identify it. This is your deposit book with the Deposit & Savings Bank of Wilkes-Barre, Pa., Jonathan R. Davis, chairman—county chairman, I mean.—A. Yes.

Q. Now, please answer my question.

A. (Witness reads:) 1910. October 28, \$810; October 29, \$100; October 31, \$3,100; November 1, \$250; November 3, \$265; November 13, \$700; November 7, \$1,500; November 11, \$125; November 21, \$612.40; November 22, \$150. This was all in 1910.

Q. And the book is balanced, isn't it?—A. Yes, sir.

Q. And shows what?—A. Shows a balance of \$48.30.

Q. Shows a total of checks paid how much?—A. \$7,564.10.

Q. With a balance of \$48.30, as you have said?—A. Yes.

Q. You have produced here, in obedience to a subpoena, the check book upon the Wilkes-Barre Deposit & Savings Bank, from which you drew the checks against the account which you have just testified concerning?—A. Yes, sir.

Q. Have you produced the checks?—A. Yes, sir.

Q. I ask you to take this book and read into the record the dates, purposes, and parties, and the amounts of the several checks.—A. October 28, 1910, cash, \$100; October 28, 1910, Boys' Industrial Association, \$7; October 28, R. E. Andrews, \$14; October 31, cash, \$150; October 31, John Karboski, \$460. He was chairman of the fourth legislative district. November 1, cash, \$200.

Q. I will ask you if you have produced the check for that particular item, \$200?—A. Yes, sir. November 1, C. B. Smith, Pittston registration, \$40; November 1, Robert W. Bowman, chairman of the sixth legislative district, \$500; November 1, Charles H. Guscott, chairman of the first legislative district, \$600; November 2, James Quin, chairman of the second legislative district, \$400; November 2, Walter Richards, Drifton, \$25.

Q. What was the purpose of that?—A. Employment of special watchers. November 2, Fred Shoemaker, Parsons, \$25.

Q. What was the purpose of that?—A. Employment of special watchers. November 2, Dr. Louis Edwards, chairman of the fifth legislative district, \$460. There is another \$100 back here; wait till I come—

Q. What was that for?—A. Employment of special watchers. That was for poll men. November 2, Gomer Morgan, chairman of the third legislative district, \$400; November 2, E. W. Griffith, typewriting, \$25.

Q. Who is E. W. Griffith?—A. Lady in my office.

Q. You have written "typewriting" in with pencil afterwards, haven't you?—A. Yes, sir.

Q. When did you write that in, Sheriff?—A. I don't know; I am not sure. When I checked it up, I think.

Q. Did Miss Griffith hand you back any part of that money, for other uses?—A. No, sir; she earned that money in good shape.

Q. A canceled check, November 3, Michael Gallagher, \$20. What was that for, Sheriff?—A. Well, there was a little history to that.

Q. Before you get to that little history, tell us what was written on the line before and erased.—A. I got the wrong name on there.

Q. What name did you get on there, Sheriff?—A. I don't remember.

Q. You got the check all right, didn't you?—A. Yes, sir.

Q. Who is Michael Gallagher?—A. I don't know.

Q. You don't remember what name you got here?—A. No, sir; I don't.

Q. Was this present check that you produce now drawn the same day that this stub was drawn?—A. Yes.

Q. Why did you erase that?—A. I got the wrong name on.

Q. Why did you erase that?—A. There were three gentlemen in my office at the time with reference to that; that was given for the employment of special watchers at East End.

Q. East End, Wilkes-Barre?—A. Yes, sir; his receipt reads second ward, Wilkes-Barre.

Q. Did you give the other men money?—A. I gave this Michael Gallagher a check of \$20.

Q. Sheriff, is that the best explanation you have to offer?—A. That is the best that I can give you.

Q. Then you erased it and can't remember the name?—A. No.

Q. Why did you erase it at all?—A. They told me to put Michael Gallagher on.

Q. It would have been very much simpler to have drawn a line through. You wanted to do—you could have gotten the name in there without erasing the name above?—A. I don't know.

Q. Why didn't you do it that way?—A. I didn't choose to.

Q. You had a motive for not doing it?—A. Yes.

Q. Tell us the reason?—A. I didn't want that name to appear; the name was wrong.

Q. You didn't want it to appear in this check book—the wrong name?—A. No, sir.

Mr. JONES. The name of the man who didn't get the money?

Mr. JENKINS. I call your attention to the check drawn on this—that you have just testified to concerning the stub of which has been inspected, and ask you if that isn't the indorsement of Michael Gallagher [witness handed check]?—A. Well it is supposed to be Michael Gallagher, I can't vouch for the indorsement.

Q. That is indorsed "Michael Gaughan"?—A. No; "Gallagher." There are two "l's" in there [indicating].

Q. Now, Mr. Davis, you say you had a reason for not wanting the name to appear there that you first wrote on that stub?—A. Well, I had no special reason, except that I got the wrong name on there and they asked me to make the check out payable to Michael Gallagher.

Q. They asked you to make out the check to Michael Gallagher?—A. Yes, sir.

Q. Didn't you testify within a few minutes ago that you had a reason for not wanting that name to appear?—A. Yes, sir.

Q. And when you did thus give your testimony to that effect it was true, wasn't it?—A. Yes, sir.

Q. Will you tell me the reason why you didn't want that name to appear?—A. They asked me to erase the name I had on there and make the check payable to Michael Gallagher.

Q. That is an unusual circumstance, isn't it?—A. Yes, sir.

Q. And you testify in face of those circumstances you don't remember what name was written down there?—A. No, sir.

Q. The owner of which wasn't willing to have his name appear on your check book?—A. No; I don't remember the name.

Q. Do you remember the person?—A. No, sir.

Q. You don't know the person at all?—A. No, sir.

Q. All right, go ahead with the next. November 3, cash \$200; November 3, Blanchard Bros., lead pencils, \$67.50, C. C. B.

Q. Mr. Davis, returning to the Michael Gallagher check at the request of my colleague, I call your attention to the stub again and ask you to decipher, or rather ask you whether it is not possible to decipher any part of the name which originally appeared there and is now erased?—A. Not to my knowledge.

Q. And as you now inspect the stub and after a careful inspection, you answer that you are unable to decipher any part of the name that was originally written there?—A. Yes, sir.

Q. And you, yourself, personally erased it?—A. Yes, sir.

Q. Taking the greatest care to totally obliterate the name?—A. Yes.

Q. And you are still unable to either decipher the name or remember the person?—A. Yes, sir.

Q. Go on to the next.—A. November 3, C. C. Bowman Furniture Co., \$10. November 3, Bernard Goodstein, third ward, \$30. November 3, F. J. McKanna, Pittston, \$100.

Q. What was the purpose of that?—A. Employment of special watchers. November 4, J. D. Cooper, Plymouth, \$200.

Q. This check of \$100 to Mr. McKanna, F. J. McKanna, \$100, paid to F. J. McKanna, he was the Democratic candidate for recorder?—A. Yes.

Q. Did you take a receipt for that amount?—A. Yes, sir.

Q. From him?—A. Yes. November 4, James A. Hogan, Wyoming, \$10. November 4, cash, \$65. November 4, cash, \$200.

Q. That was to your own order?—A. Yes, sir. November 4, George H. Butler, Dorranceton, \$30.

Q. What was the purpose of that?—A. Employment of watchers.

Q. Go on.—A. November 4, Evan Challis, third ward, \$35.

Q. Third ward of what?—A. Wilkes-Barre.

Q. For what purpose?—A. For the purpose of employment of special watchers. November 4, James H. Evans, Forty Fort, \$15.

Q. That was for the same purpose?—A. Yes, sir. November 4, W. L. Higgs, \$40.

Q. What for?—A. Employment of special watchers. November 4, Lawrence Cosgrove, Duryea, \$150. I didn't get a receipt from that man; I put the check—received, it is in the files.

Mr. JONES. Telephone Mr. Keiser; he will bring it down.

Q. What does the check show?—A. That is the check in the receipts; it is in the files.

Q. This check stub bears the name of Lawrence Cosgrove and is \$150. You sent that check to Lawrence Cosgrove, did you not?—A. Yes, sir.

Q. And you have already explained the purpose?—A. Yes, sir. November 5, Industrial Gazette, advertising, \$10. A. L. Kleeman, attorney, Wilkes-Barre, \$6.70. That was for the payment of a meeting, a political meeting.

Mr. JONES. A political meeting?

A. Yes; a political meeting. Cash, \$200. November 5, J. R. D., cash, \$200.

Q. There is no date appears?—A. That goes to that, November 5.

Q. That was drawn by a check not taken out of this book?—A. No; that was a counter check. November 7, Louis Edwards, \$100.

Q. This is Dr. Louis Edwards of Edwardsville?—A. Yes, sir. November 7, Elmira Telegram, advertising, \$100.

Mr. JONES. Who is Dr. Lewis Edwards and what was the check for?

A. For the employment of poll men and watchers.

Q. Go on.—A. J. R. D., cash, November 7, \$200.

Q. What became of the check you have just passed, November 7, to Edward Mackin, \$100, and a line drawn through the name and amount?—A. What became of the check?

Q. Yea.—A. It was evidently destroyed.

Q. That money was not paid to him?—A. No; I made a mistake in that, Ed. Mackin, \$40, there is no date on there, that is meant for November 7.

Q. State the purpose.—A. For the dissemination of information; November 7, Cyrus Weiss, \$225, for the employment of watchers; November 7, John Karboski, chairman of the fourth legislative district, \$50, for the employment of watchers; November 7, B. F. Maxey, chairman of the seventh legislative district, \$500, for the employment of watchers; November 7, J. R. D., \$100 cash; November 7, Charles H. Guscott, Hazleton, \$100, for the employment of watchers; November 14, Druid Publishing Co., \$5, advertising; November 14, Tudor Griffith, secretary of Druid Society of Miners Mills, advertising, \$5.

Q. How much of what appears on the stub of this check dated November 14, to Tudor Griffith, was written in at the time the check was drawn?—A. All of it.

Q. Was the word "Secretary" after Tudor Griffith, written in at that time?—

A. Yea, sir.

Q. Is that the same society that was represented by the check above?—A. No; this is a society in Scranton. November 4, Wilkes-Barre Wachter, \$20,

advertising. November 15, Jesse Briggs, secretary, expense account, \$57.30. November 15, Bell Telephone Co., \$10.51.

Mr. JONES. What was that for and where was it for?

A. That was the Bell Telephone Co., telephone services. Send them a check for it. The service was at headquarters. November 15, Drugas advertising, \$31.50. November 15, Wilkes-Barre Stationery & Paper Co., for stationery, \$1.29. November 15, Scranton Times, advertising, \$3.60. November 15, Suburban News, advertising, \$15. November 15, Courier Herald Publishing Co., advertising, \$15. November 15, Polish Weekly, Praca, advertising, \$15. November 15, Dallas Weekly Post, advertising, \$22.50. November 15, Andrew Polley—that was for some envelopes, \$3. November 15, Journal Printing House, advertising, \$10. November 15, Bratsvo, advertising, \$20.

Q. That is a paper owned by a court interpreter here, is it not?—A. Ed. Ufalussey.

Q. He is an interpreter here in court?—A. I couldn't tell you whether he is the owner; I know that he is interested in it.

Q. He is in the employment of the county?—A. Yes; he is an interpreter.

Q. Go on.—A. November 15, Plain Speaker, advertising, \$20. November 15, Raeder Printing Co., printing, \$6. November 15, Standard Publishing Co., advertising, \$10.30. November 15, Leader Publishing Co., \$48, advertising. November 15, Gustave Fisher, advertising, \$20. November 15, C. B. Smith, extra watchers at Pittston, \$30. Nov. 15, W. H. Davis, campaign services, \$30. November 15, Independent, advertising, \$60. November 15, J. R. D., cash, \$300. November 15, Long & Updike Publishing Co., grand opera advertising, \$10. November 15, E. W. Griffith, typewriting, etc., \$25. November 16, D. S. Clark, watchers, etc., \$15. November 21, Thomas R. Callary, Nanticoke News, \$68.

Q. What was that for?—A. Advertising.

Q. Is that the paper in which appeared the statement that Mr. Bowman was a good friend to the liquor dealers? Is that the paper which referred them to Pittston liquor dealers, Richard Hughes and John Kehoe, to vouch for Mr. Bowman's character as a friend to the liquor dealers?—A. Yes, sir. November 21, P. Schiavo, Hazleton, posting cards, \$10. November 21, Wilkes-Barre Record Co., advertising, \$283. November 21, Manning Publishing Co., advertising, \$5. November 21, Dramatic Bulletin, Hazleton, advertising, \$7.50. November 21, Sentinel Printing Co., Hazleton, advertising, \$35. November 21, J. S. McGinty, Palace Programme, advertising, \$6. November 21, Valley Vigilant, W. A. Evans, advertising, \$91.40. November 22, J. R. D., \$100. November 22, J. R. D., \$25.

Q. That is all, isn't it?—A. Yes, sir.

Q. Mr. Davis, it appeared from your testimony yesterday that you had drawn from your personal account \$600 October 5, and a little later \$50, making a total of \$650. That you had drawn that out in cash, and under examination of Mr. Lehman you were not able to show the application of that only to the amount of \$260, if I recall it correctly. You now say that you are not able to indicate further the application of that cash, do you?—A. No, sir.

Q. I now call your attention to checks produced by you in your chairman's account to your own order or cash. The first dated November 4, 1910, signed merely Jonathan R. Davis, and ask you if that was in fact drawn against your chairman's account?—A. Yes; but they didn't charge it up to my chairman's account. That is all charged up to my personal account.

Q. That was charged to your personal account?—A. Yes, sir; those three checks [indicating] are drawn on my personal account.

Q. I call your attention now to that check which you say is a check that was cashed from your personal account and ask you is this check dated November 4, 1910, cash \$65, a check which on that date was drawn against your chairman's account corresponding to that stub of November 4, 1910, cash, \$65?—A. Yes, sir.

Q. It was?—A. Yes.

Q. I ask you whether the stub which you have now connected with the check signed by you personally does not bear upon the stub evidence of erasure?—A. Yes, sir.

Q. It does?—A. Yes.

Q. The stub of the check book which you now produce, the stubs in the check books you now produce have six lines for each stub, including the date line at the top and the line with the dollar mark opposite the blank at the bottom, don't they?—A. Yes.

Q. And in most circumstances, after stamping or writing in the date, you wrote the name of the person on the second line below, didn't you?—A. Yes; and I will explain that.

Q. Didn't you?—A. Yes.

Q. In this particular instance the word "cash" appears in the fourth line, counting the date line as the first, don't they or don't it?—A. Yes.

Q. And the two lines above, or the line immediately above, bears evidence of erasure, doesn't it?—A. It has been erased; yes, sir.

Q. What was written in there, Mr. Davis, before it was erased?—A. There was a part of a name written in there.

Q. What name?—A. I can't tell you.

Q. Why did you erase it?—A. I went over and drew the cash.

Q. Why did you—after beginning to write the check there and partly writing the name on the stub, you decided not to draw a check, but to draw the cash?—A. Yes; I paid in cash.

Q. You decided to pay in cash? You decided you would not insert that name in the stub of your book?—A. Yes, sir.

Q. What led you to that conclusion?—A. I can not tell.—

Q. What consideration?—A. I can't recollect what it was.

Q. What was the name of the person whom you were thus going to write in there?—A. I don't remember.

Q. What was the purpose for which you were going to pay that sum of money?—A. I don't remember that either.

Q. You have carefully inspected this stub?—A. Yes, sir.

Q. And it is most carefully erased, isn't it?—A. Yes.

Q. Did you erase it with acid?—A. Yes. I would like to explain in connection with that. There are three checks here charged to my personal account; these two dated October 28, 1910, to the Boys' Industrial Association, for hall rent, \$7; October 28, 1910, R. E. Andrews, rent, \$14; November 4, 1910, cash, \$65. You will find that these three checks are signed Jonathan R. Davis, without the "chairman," and charged to my personal account.

Q. But Mr. Davis, you didn't make that as an explanation of the erasure of this name, did you?—A. No, sir.

Q. Do you mean to say that you can't recollect the name that you wrote in there?—A. I can't.

Q. You decided that you didn't want that name to appear on this stub at this time, didn't you; at that time, I mean?—A. At that time?

Q. That is right?—A. That is right.

Q. You decided that the purposes for which that money was to be applied was one you would rather forward by the payment of cash instead of check?—A. I was requested to send the cash instead of a check.

Q. Was the person who made that request an experienced political worker?—A. I don't recall who it was.

Q. You don't recollect the purposes to which you proposed to apply this \$65?—A. I don't know.

Q. Were you accustomed to pay out sums of money during this campaign for political purposes without knowing the purposes to which the money was to be applied?—A. No, sir.

Mr. JONES. He has already said that he didn't recall the purposes to which it was to be applied.

Q. Why did you use acid to erase that name?—A. That is what I used in my office.

Q. Are there any other stubs in this book which show the use of acid except this one?—A. I don't think so.

Q. Are there any stubs in your personal book which show the use of acid?—A. I don't think so; no, sir.

Q. Why did you use acid—why didn't you use acid in the case of Michael Gallagher's check; you say you changed that?—A. I had no special reason.

Q. Now, Mr. Davis, calling your attention to the following checks, all drawn to your own order or to the order of "cash," to wit, one of November 4, 1910, for \$65; November 4, 1910, \$200; November 15, 1910, \$300; November 22, 1910, \$100; November 15, 1910, \$200; November 7, 1910, \$100; November 7, 1910, \$200; November 25, 1910, \$25; all aggregating \$1,190; and being 8 checks and all aggregating \$1,190, I ask you if you are able to state on the record what application you made to the expenses of the campaign of the moneys represented by these checks, amounting to \$1,190?—A. That money is all accounted for in my report filed and the receipts attached thereto.

Q. Mr. Davis, all the money represented by those checks was on deposit in the bank, wasn't it?—A. Yes, sir.

Q. Will you state what reason you had for drawing this money out in cash and paying it in cash, instead of drawing checks to the parties who were entitled under the law to receive money for the campaign expenses incurred?—It was a matter of convenience.

Q. It was a matter purely of convenience?—A. Yes, sir.

Q. In what way did it lend itself to your convenience with reference to these larger amounts that you paid out?—A. Well, I don't know as I can explain it in detail.

Q. The convenience that you were considering had reference to the "Roberts corrupt-practice act," didn't it?—A. No, sir.

Q. It did not?—A. No, sir; the money spent in the campaign is fully accounted for and receipted for.

Q. But why did you find it necessary to draw on your own order \$1,190 in cash when you had your check book at hand and could have applied the money by check to the uses of the campaign?—A. Well, there were a great many times that I didn't have my check book, but I did have the money.

Q. Did you thus draw large sums of money to apply on your personal expenses and the conduct of your private affairs in that way, drawing the money out in cash instead of paying by check?—A. I done some; yes, sir.

Q. Do you, to any extent, do that as a business man?—A. No, sir.

Q. Why did you employ in this campaign methods of paying the campaign expenses that differed from the method employed in your private affairs?—A. Because campaign affairs are different.

Q. They are very different, as you conduct campaigns, aren't they?—A. Yes, sir.

Q. Then you drew these checks for \$1,190 for the reason that you erased the names from these stubs in some instances, because you didn't want to reveal the character of the transactions that were represented by this money and the parties who were engaged in these transactions. That is true, is it not?—A. No; it is not true.

Q. It is true that you thus erased the names of individuals from your check book, so that their names might not appear?—A. There are two erasures.

Q. That is true?—A. It is; yes, sir.

Q. And it is also true that you paid a great many money whose names you didn't want to appear on your check book; you paid cash to them because you didn't want their names to appear in your check book?—A. No; it is not true, because their names appear in the receipts filed.

Q. Their names appear in the receipts filed?—A. Yes, sir.

Q. Sheriff, you have testified that you have corrected errors in your books, check book, and stub book, and other places by the employment of acid?—A. Yes, sir.

Q. That is the way you did that, did you?—A. I have done that ever since I was in the sheriff's office.

Q. Have you made any such correction as that in your personal check book?—A. No, sir; not that I know of.

Q. You have a good many checks there that indicate a change in the person or a correction of some kind on the stub, have you not?—A. Possibly.

Q. Have you in a single instance in the personal check book made a correction by the employment of acids to obliterate the names of men?—A. I don't know.

Q. You don't know? Will you look at your check book and see the stub of it and see?—A. Do you mean my present check book?

Q. Yes; see whether you have thus employed acids on the stub of your check book.—A. [Refers to book.] No.

Q. You don't have a single erasure in the whole of the check book, the stubs of which you have now examined, in your personal and business account?—A. No, sir.

Q. But there your practice is to write in the name and amount and purpose with a pen and ink at the time you draw the check, isn't it?—A. Yes, sir.

Q. And if any appears, as, for example, in the case of check No. 1141, you draw a line through with a pen and correct it below?—A. No; I did not. That was written by my bookkeeper.

Q. I call your attention, Sheriff, to check No. 1133, in your own private account. That is in your handwriting?—A. Yes, sir.

Q. And the words "Mount Greenwood Cemetery" was originally the name of the person to whom the check was drawn, and a line is put through there, and the words "Hillside Cemetery" drawn through. That was substantially your practice in regard to your private account—Dated December 27, 1910?—A. Yes, sir.

Q. And that is how you did it, isn't it?—A. Yes.

Q. Why did you employ a different method here in your political account?—A. I didn't have any special reason.

Q. That is the best answer that you can give?—A. Yes, sir.

Q. Mr. Davis, you have produced here your bank book of the Deposit & Savings Bank of Kingston?—A. Yes, sir.

Q. Which I now hold in my hand?—A. Yes.

Q. I call your attention to that deposit book, as you have produced it, and turning to the account which begins after the statement of the balance, after balancing the book, which begins July 8, 1910, and ask you if it is not a fact that from July 8, 1910, to October 6, 1910, or from July 8, 1910, and prior to October 10, 1910, there are but four entries of deposit in that bank book. Is that true?—A. Yes.

Q. One of July 8?—A. Yes.

Q. One of July 15?—A. Yes.

Q. One of July 30 and one of August 9?—A. Yes, sir.

Q. Is that right?—A. Yes, sir.

Q. And on the 6th day of October, 1910, you make a deposit there of \$505, don't you?—A. Yes.

Q. And on the 5th of October, 1910, you drew from your own personal account in the Wilkes-Barre Deposit & Savings Bank, by check No. 1001, the sum of \$600, which you have testified was drawn for political purposes, didn't you?—A. Yes.

Q. And on the 5th of October, I ask you, now, whether or not any portion of that \$600, as so drawn by you on October 5, 1910, included in the deposit of October 8 in the Kingston Deposit & Savings Bank?—A. No, sir.

Q. That is not true?—A. That is not true.

Q. I call your attention to the next deposit, which appears in your bank book of the Deposit & Savings Bank of Kingston, Pa., to wit, the deposit of October 3, 1910, \$507.50. Did any part of that money come from your account in the Deposit & Savings Bank of the city of Wilkes-Barre?—A. I can't tell unless I see the book. [Witness refers to book.] Yes; \$500.

Q. Now, in your Deposit & Savings account in Kingston, with the Kingston bank, you on October 31 drew out \$500, did you not?—A. Yes, sir, and deposited it in another account, Jonathan R. Davis, agent.

Q. Where?—A. In the Kingston Bank.

Q. That is, a business account in the Kingston Bank?—A. Business account; yes, sir; agent.

Q. Agent for what?—A. It is a special account that I have in the deposit bank, called J. R. Davis, agent account.

Q. Now, directing your attention to the Michael Gallagher check, you have testified, as I understand, that you don't know who Michael Gallagher is?—A. No, sir.

Q. You don't know him at all?—A. No, sir.

Q. Who presented him to you to vouch for him to you?—A. There were two or three men in my office. Two of the gentlemen I knew by sight, but I didn't know his name, and he told me to make out this check to Michael Gallagher. They were to take care of the East End, and I wrote a receipt out for special watchers for the second ward.

Q. I am not asking that; I am asking you to explain who told you about the man there, who Michael Gallagher was, if he was a proper person to pay money to?—A. I can't tell you now.

Q. You say you knew the men by sight?—A. Yes.

Q. And as you are now testifying you are in the same frame of mind as you were the day that the transaction took place?—A. Yes, sir.

Q. So now you testify that three men came to your office, one of whom you were given to understand was Michael Gallagher?—A. Yes, sir.

Q. And the person with whom you were talking, and this man told you this was Michael Gallagher, and you should draw the check in question?—A. Yes, sir; as Michael Gallagher.

Q. And then you were told that this man was Michael Gallagher by some one else whom you had previously seen and was there that day? He told you to draw the check to Michael Gallagher?—A. Yes, sir.

Q. But you didn't know Michael Gallagher before that?—A. No, sir.

Q. And that day when this man told you to draw the check to Michael Gallagher you didn't know the man or the men who thus told you to draw the check to Michael Gallagher?—A. No, sir.

Q. So far as you were concerned that day there were three men in your office, neither of whom you knew, and one of the others told you that he was Michael Gallagher?—A. Yes.

Q. And you were doing political business with them?—A. Yes, sir.

Q. And that political business had to do with some of the districts of this county?—A. Yes, sir.

Q. And you had no previous knowledge of these men?—A. No, sir.

Q. You don't know whether they were qualified to do the work they were engaged by you to do that day or not?—A. I didn't know.

Q. You didn't know whether, when they received that money, they would get out to do it?—A. No.

Q. You didn't know one of the men there by any previous acquaintance with them?—A. No, sir.

Q. How much did you pay Michael Gallagher?—A. \$20.

Q. \$20 to go out and do work?—A. Yes, sir.

Q. Did you know his politics?—A. No, sir.

Q. Were you sure of his friend, whom you knew by sight, when you were assured by his friend that his name was Michael Gallagher, and you had to guess what his politics were?—A. I assumed they were going to do what they promised to do.

Q. What did they promise to do that day?—A. They promised to do all they could for the Republican ticket at the election.

Q. What was the date of that?—A. November 3.

Q. It was the 3d of November, wasn't it? Did you indicate to them the kind of work they were to do?—A. Yes, sir.

Q. What work did you indicate that they were to do at the time when you engaged these three men?—A. They were to secure all the votes they could for the Republican ticket.

Q. When you engaged these men did you indicate where they were to do their work? Where?—A. In east end, the second ward of the city of Wilkes-Barre.

Q. When were they to go to work?—A. Election day.

Q. They were to go to work for election day?—A. Yes, sir.

Q. Were these other two men, whom you didn't know, also to work on election day?—A. Yes, sir; they were to assist in doing the work at the general election.

Q. And all of the \$20 didn't go to Michael Gallagher?—A. I don't know. I gave him the check.

Q. I am not asking you that. I am asking you what bargain, what was the arrangement with those three men to work for \$20?—A. They were to man the polls. There are two districts in the second ward, to employ two men at each district. That was the arrangement I had with them.

Q. What was there about that arrangement, Sheriff, that would prompt you to suppress the names of the parties?—A. I didn't suppress any names. I got the wrong name on there.

Q. Did you?—A. They told me to take it out, to make out that check to a man by the name of Michael Gallagher, and one of them represented himself to be Michael Gallagher.

Q. Do you know—you say you didn't know the politics of the three men?—A. No.

Q. Do you know their national extraction? That is a polygot community in which there are all kinds of people, all nationalities are represented there?—A. Yes, sir.

Q. And are you able to say what the nationality of these three men was?—A. Well, they impressed me as being Irishmen.

Q. And they lived in the east end, did they?—A. Yes, sir.

Q. And it is one of the strong Democratic sections of this county, isn't it?—A. Yes, sir.

Q. The strongest in the city?—A. Yes, sir.

Q. Did you ask them their politics at the time they came in. What party they trained with?—A. I don't think that I did.

Q. Did you broach that subject?—A. No, sir.

Q. I thought you didn't, Sheriff. You had a district committeeman in this ward, didn't you?—A. Yes, sir.

Q. Did you consult with him about these three men?—A. No, I didn't.

Q. The practice is to man the polls through the district committeeman, isn't it?—A. Yes.

Q. Why did you depart from any practice in this particular instance?—A. I did that in a good many instances.

Q. Why did you in this instance?—A. The same purpose.

Q. State what the purpose was, Sheriff?—A. For the employment of extra workers, extra voters for the Republican ticket.

Q. And the extra work and the extra vote was directed to the men whom you had reason to think were of Democratic affiliation, isn't that it?—A. Yes, sir.

Q. And it was in this instance, you sought those men because you thought they were Democrats?—A. Yes, sir.

Q. And it was in this instance you dealt with those men because you thought they were Democrats?—A. Yes, sir.

Q. Sheriff, did you attend a dinner at the Hotel Sterling or the Hotel Redington, in the month of October, 1910?—A. Yes, sir.

Q. Was your principal, C. C. Bowman, with you on that occasion?—A. Yes, sir.

Q. Did you find a number of banqueters there?—A. Yes, sir, we had invited the district chairmen.

Q. I am talking about the dinner. Did you take to the dinner, to which you invited the district chairman. I will direct your attention more particularly to a dinner that was given by some young man upon the occasion of the eve of his wedding? Did you attend such a dinner?—A. No.

Q. Did you have anything to do with such a dinner?—A. Whose dinner was that?

Q. Did you attend a dinner, did you appear at a dinner in which Mr. Baldwin Edwards was entertaining some of his friends?—A. No.

Q. Didn't you attend such a dinner at all?—A. No; I don't know of such a man.

Q. Do you know a young man, who, approaching the time of his wedding, was entertaining some of his friends at the Hotel Redington in the month of October and whom you found there with his friends?—A. I don't recall it.

Q. You don't recall that?—A. No.

Q. Didn't you go into such a dinner at the Hotel Redington. Did you not go into the Hotel Redington last fall, while the campaign was in progress in the evening, and finding there a company of young men, one of whom was about to be married, didn't you say to them, "lets have champagne on Bowman" or words to that effect? Didn't you say "let us have wine on Bowman?"—A. No.

Q. You never did say anything like that?—A. No, I never did.

Q. Didn't you afterwards pay for the whole dinner, saying "this is on Bowman?"—A. No, sir.

Q. You swear to that, do you, Sheriff?—A. I swear to that to the best of my knowledge and belief.

Q. You distinctly recollect that you never attended such a dinner?—A. Never.

Q. Or were present when such a dinner was being eaten by the young man and his friends?—A. I don't recollect anything of the kind.

Q. Do you recollect that or do you?—A. I don't recollect anything connected with it. I don't recall any young man of that name, I never heard the name before.

Q. I am asking you now whether you recollect such a dinner being given by any young man, whom you knew?—A. No, I don't recall anything of the kind.

Q. Do you recall going to such a dinner or being present when such a dinner was being given to any people, among whom were acquaintances of yours in the month of October, 1910, or during the campaign of 1910?—A. No, sir.

Q. You have no recollection of that at all?—A. No recollection at all.

Q. Then you say under your oath that you didn't order wine or champagne for such a body of diners during the campaign and that you didn't furnish the dinner to them, do you?—A. I positively do.

Congressman BOWMAN. I see the commissioner suggesting certain things to counsel. I do not think that is proper. Have this placed on the record as coming from the Congressman.

Mr. JENKINS. I would suggest on the record that the gentleman is not yet Congressman, not yet being sworn in.

Mr. JONES. That shows what you know about a Congressman.

Mr. JENKINS. I know that he is obliged to be sworn in.

Q. Was such a dinner paid for by Mr. Bowman, you being present?—A. Not to my knowledge.

Q. You did pay for a dinner later at the Redington, didn't you?—A. No, before that date.

Q. Before October?—A. I don't remember the date. We had a dinner there of the district chairman, but I can't recall the date.

Q. Did you serve wine or champagne at that dinner?—A. No, served no wine or champagne.

Q. You paid for it?—A. Yes.

Q. Was it included in your expense account?—A. Yes.

Q. Your account as filed?—A. No, afterwards.

Q. When it was included what item did you credit it?—A. It is filed.

Q. When you, yourself, furnished and paid for the dinner under what item of the expenses of your account as authorized by law were you considering that it was to be placed?—A. It was not filed at all.

Q. Was it the dissemination of information?—A. It was not filed.

Q. Did it come under the head of traveling expenses?—A. It was not filed, that bill.

Q. Holding meetings?—A. That bill was not filed. It was paid for without filing our account.

OLIN HARVEY recalled by contestee.

Examination by Mr. JONES:

Q. This morning you were examined and cross-examined relative to your inability to find in the office of the prothonotary two returns from Pittston Township, and, at my request, you departed from this hearing to make search in the other offices, namely, those of the district attorney, and the president judge, for such returns, were you not?—A. Yes, sir.

Q. And have you made such search?—A. Yes, sir.

Q. Have you found those two returns?—A. Yes, sir.

Q. Have you got them with you?—A. Yes.

Examination by Mr. JENKINS:

Q. I will ask you, Mr. Harvey, to produce and note on the record the returns from the fourth district of Pittston Township?—A. The fourth district of Pittston Township, unsealed return, whole vote is as follows:

Governor: John G. Tener, Republican, 110; Webster Grim, Democrat, 4; William J. Berry, Keystone, 8.

Lieutenant governor: Thomas L. Greevy, Democrat, 114; D. Clarence Gibbons, Keystone, 8,

Secretary of internal affairs: James I. Blakslee, Democrat, 3; John J. Casey, Keystone, 110.

Representative in Congress: Charles C. Bowman, Republican, 5; Charles C. Bowman, Prohibition, 114; Charles F. Quinn, Federated labor, 3.

Q. Were there any votes for George McLean, Democrat?—A. No, sir.

Q. Any for Charles F. Quinn, Socialist?—A. None for Quinn.

Representative general assembly: Michael J. Healey, Democrat, 120.

The sealed return, the triplicate return:

Governor: John K. Tener, Republican, 110; Webster Grim, Democrat, 4.

Lieutenant governor: James H. Greevy, 114, Democratic; D. Clarence Gibbons, Keystone, 8-437.

For secretary of internal affairs: James I. Blakslee, Democat, 3; John J. Casey, Keystone, 110.

For Representative in Congress: Charles C. Bowman, Republican, 5; George R. McLean, Democratic, 114; Charles F. Quinn, Federated Labor, 3.

For representative in general assembly: Michael J. Healey, Democratic, 120. That is the sealed return. Tally sheet in sealed return.

Governor: John K. Tener, Republican, 110; Webster Grim, Democratic 4; William H. Berry, Keystone, 8.

For lieutenant governor: Thomas H. Greevy, Democratic, 114; D. Clarence Gibbons, Keystone, 8.

For secretary of internal affairs: James I. Blakslee, Democratic, 3; John J. Casey, Keystone, 109.

For Representative in Congress: Charles C. Bowman, Republican, 5; George R. McLean, Democratic, 114; Charles F. Quinn, Socialist, 3.

For representative in the general assembly: Michael J. Healey, Republican, 2; Michael J. Healey, Democratic, 119.

Q. Was the vote recorded, as you have given it here, in the official result of the election?—A. No, sir; it was not.

Q. Was it recorded at all, or any record made of that vote in the official returns of the election?—A. It was thrown out by court.

Mr. JONES. Do you know whether the court, at the time they threw that count out, opened up the ballot box and made an examination of each ballot?—A. I don't know that; I was not present at the time.

Mr. JENKINS. The contestant has heretofore subpoenaed the contestee, C. C. Bowman, and the contestee's bookkeeper, Miss Nina J. Robinson, to produce the books of the office of C. C. Bowman and C. C. Bowman & Co., covering a period of April 1, 1910, down to February 18, 1911. We now desire that those two witnesses be in attendance at the hearing, to which adjournment will be now taken until to-morrow afternoon at 2 o'clock, and that they have with them the check books, the journals, and ledgers covering that period.

Mr. JONES. To which counsel for contestee makes answer as follows: The contestee has produced and submitted to the contestant and his counsel, for inspection, all of his books back to and including the date of the primary election, to wit, June 4, 1910, they being the only matters of record within the possession of the contestee properly within the scope of this inquiry as detailed in the notice of contest to the contestee. The contestee will produce all such papers, check books, and books of account, vouchers, and accounts, if so desired, back to and including said June 4, 1910, but upon advice of counsel anything prior to that date of the primaries, at which Mr. Bowman, the contestee, was nominated regularly as the Republican candidate for Congress in the eleventh congressional district, Mr. Bowman will refuse to produce, as heretofore he has refused, by the advice of his counsel, for the reason that anything prior to the said date is not properly within the scope of this inquiry and for the second reason that no notice was given to the contestee in the notice of contest in this case that any question would be raised as to the amounts of money paid by him in the obtaining of his nomination.

Hearing adjourned until 2 o'clock p. m., Friday, March 10, 1911.

FRIDAY, MARCH 10, 1911.

Hearing resumed at 2 p. m., pursuant to adjournment.

NINA J. ROBINSON recalled by contestant.

Examined by Mr. LENAHAN:

Q. Miss Robinson, where is that petty cashbook?—A. Here.

Q. Will you kindly turn to page 198 on your petty cashbook, you will find an entry there "T. J. O'Brien, political \$20"?—A. Yes, sir.

Q. You have it there, have you not?—A. Yes, sir.

Q. Where did you carry that to? What other book? From there to where?—A. To the ledger.

Q. You didn't carry it to the Journal?—A. No, sir.

Q. You carried it direct from your petty cashbook into your ledger?—A. Yes, sir.

Q. What was the object of keeping the journal? What entries did you make in the journal?—A. Any transaction we had that wasn't directly related to the check of this petty cashbook—I mean—

Q. Just give us the cash. You didn't carry all the entries on the petty cashbook to the journal?—A. No.

Q. What is the date there?—A. October 21.

Attorney BOWMAN. Contestee objects to the use of the ledger or the journal in this proceeding on the grounds that they are secondary evidence, the primary evidence being the cashbook, or the check book, and the petty cashbook, and the entries in the other books, namely, the ledger and the journal, are merely taken from these books.

Q. I wish you would turn to October, 1910, here on your journal, the entries there, will you please? What is the date of this O'Brien?—A. October 21.

Q. October 21?—A. Yes, sir.

Q. Have you any entries, this is October 21, this is the 31st. Have you any on the 31st carried from that petty cashbook into the journal?—A. No.

Q. None whatever?—A. No, sir.

Q. Have you any entries at all, beginning October, 1910, carried from this petty cashbook into the journal?—A. No, sir.

Q. None whatever?—A. No, sir.

Q. Running along here, beginning October, 1910, begins here with page 185, you have no entries carried from the petty cashbook into the journal; is that correct?—A. Yes, sir.

Q. But you did carry them into the ledger; is that right?—A. Yes, sir.

Attorney BOWMAN. We object to this, as this ledger being secondary evidence, is made as heretofore was made by the contestee.

Q. What date does this cover?—A. I don't know; our account go back different dates.

Q. I wish you would turn to this O'Brien. It is in here evidently, from the dates. To the O'Brien, October 21. You say it is \$20. Turn to the ledger and let me have the day of entry, on page 198 it is?—A. This wouldn't be posted on the 21st. At the end of the month all the items were added up and posted.

Q. Just point out to me how that was done in your ledger? Turn to your ledger and show me how that was done?—A. I will have to have a lead pencil.

Q. Can't you turn to your ledger and point out the entry in the ledger that would correspond to that aggregate without waiting to add them up? You told me that you didn't post the items alone, as I understand it?—A. No; I don't post them alone.

Q. What you do is to run them up at the end of the month and transfer the aggregate to the ledger?—A. Yes, sir.

Q. What I want from you now is where you put that aggregate in the ledger, the aggregate of this petty cashbook for October?—A. Well, there is one account. This is October, isn't it? There is \$6.70.

Q. That "P. C. B." means from the petty cashbook, don't it?—A. Yes; and the next is Charles Bowman.

Q. Take, for instance, the O'Brien item of \$20; you have not got that as an item transferred to the ledger, have you?—A. Not as a separate item.

Q. What I want to get at is, those items you did not transfer as separate items, I want you to give me the aggregate as taken from the petty cashbook and as appearing upon the ledger. Where is that in the ledger?—A. That must have been charged to house. There it is up there [indicating]. That is the "House."

Q. Now, you have that on the ledger, have you, transferred from there under "House" is it?—A. Yes, sir.

Q. And the amount is how much?—A. \$55.98.

Q. Now, you have got on the petty cashbook on the left of the entries that this "O'Brien" entry appears on "20." On the opposite page you have an entry here of "House." So you say that "20" is in that "House"?—A. Yes; I guess it is.

Q. Just take a seat and let me have the book for a moment, if you please. And you have charged to the "House" on the ledger the total for the month of October, \$55.98, have you not, and no more; is that right?—A. To the "House," \$55.98.

Q. I call your attention to another entry here on page 196, "C. C. B." What did you charge that to?—A. \$20?

Q. Yes.—A. To C. C. Bowman's personal account.

Q. The personal account. Where is that on the ledger?—A. Here [indicating]. \$50.10.

Q. And in that \$50.10 was this \$20, is that right?—A. Yes.

Q. Where does your trial balance appear?—A. I don't know exactly what you mean.

Q. You don't understand what a trial balance means?—A. Yes; I understand what a trial balance means.

Q. Where do they appear—in what books?—A. At the end of the month we take all the accounts off the ledger.

Q. Where do you put them?—A. Put them on paper.

Q. What becomes of that paper?—A. Packed up in the office.

Q. Are these papers copies of the ledger?—A. Copies of balances.

Q. And nothing else?—A. That is all.

Q. Just show us how you did make your trial balance every month, take this one for instance, for October?—A. On the trial balance there is a space at the left-hand side where we write the name.

Q. What name?—A. The name of the account.

Q. "C. C. Bowman's personal;" is that what you mean?—A. Yes; and to the right of that there is a column, the debit, and to the right of that there is another column which we put the credit side of the account. For instance, this account, "C. C. Bowman, personal," I would write "C. C. Bowman, personal," in the debit column, I would place the balance.

Q. \$1.128?—A. Whatever the balance is at the end of the month. This was the balance at the end of the month.

Q. Forty-three cents it was that month?—A. Forty-three cents.

Q. Then what?—A. Then I take the next account and put "Barn" there, and in the debit column I would put the amount that is there, \$90.13, and so on.

Q. You had political account, didn't you?—A. Yes, sir.

Q. Where is that political account?—A. That is the political account here [indicating].

Q. Just give me the amounts of the political account, running it up from June 7, down to your last entry, October 10. Read the items, dates, and amounts?—A. (Reading:) June 7, J. F. Kemp, three cuts, \$4.50; June 7, W. J. Peck, \$36.25; June 7, W. J. Peck, \$4; June 14, J. R. D., \$600; June 14, J. R. D., \$150; June 28, Freeland B. B. Team, \$6; June 30, petty cashbook, \$5; July 5, W. T. Kries, \$7; July 9, J. R. D., \$135; July 27, J. R. D., \$50; August 19, W. J. Peck, \$30; September 10, J. R. D., \$40; September 16, Adv. in Comet, \$3; September 30, S. A. Bogert, \$15; September 30, S. A. Bogert, \$3.75; October 3, J. R. D., \$2,000; October 10, Gazette, 10,000 cards, \$17.50; October 10, Wm. Harris, tacking cards, \$2.10; October 10, O'Brien, Dis. of Inf., \$50; October 28, O'Brien, Dis. of Inf., \$50; October 29, J. R. D., \$3,000; October 29, William Harris, tacking cards, \$2; November 7, J. R. D., \$1,500; November 7, W. H. Hollister, Ex. watchers, \$50; November 11, W. P. Jennings, Ex. watchers, \$25; November 14, J. R. D., \$700; November 18, J. R. Davis, \$512.40; November 19, Riverside Livery, \$2; November 19, W. J. Peck, \$40.85; November 30, W. J. Peck, \$79; December 19, J. R. D., \$132.10; January 6, W. T. Price, \$20.25.

Q. I wish now that you would give us the aggregate now of these amounts that you have read beginning June 7, I think it is?—A. \$8,572.70.

MR. BOWMAN. There is a credit on that account, so that the total you gave was not correct.

MR. LENAHAN. I would be very much obliged if you would permit me to cross-examine this young woman.

MR. BOWMAN. I ask that the question be repeated upon which Miss Robinson gave the amount.

(Question repeated.)

WITNESS. That is right.

Q. You have not in this amount that you read off from the political expense account included the \$20 that I have been asking you about, to T. J. O'Brien, have you?—A. No.

Q. You charged that to the house, didn't you?—A. Yea.

Q. I notice when going over this petty cashbook that there is quite a quantity of money drawn by Mr. Bowman, marked "personal." Is that included in the political account that you have read off here?—A. No.

Q. That is transcribed under his "personal expense account," isn't it?—A. Yea.

Q. Now, will you turn to his "personal expense account," beginning June 7, or after June 4, the date of the primaries, and give us his personal expense account as you have it there and the amount. I mean up to December 3. Turn to it there on the ledger. Give us the aggregate of that. Give me the aggregate from June 4 to December 3, 1910?—A. C. C. Bowman, personal account?

Q. Yes.—A. That is not here in this book. It don't include all between those dates—between those two dates.

Q. You have that ready at the next hearing. I want you to tell me when you made that entry [indicating]. When did you make that entry, Miss Robinson?—A. I don't know just what date I made it.

Q. You have made that entry within the last three or four weeks, have you not?—A. No, sir.

Q. You made that entry at the request of Mr. Bowman, didn't you?—A. Why, I don't think he told me to make that entry.

Q. What did he tell you about it?—A. Why, when he told me what the \$700 was for I made that entry myself.

Q. Now, kindly tell me when he told you what the \$700 was for.—A. I don't remember exactly when it was. That \$700 is before the books were closed last year.

Q. Before the books were closed for last year? That entry that is there, the \$700—"122-J, 1910, 31st December"—isn't it, Miss Robinson?—A. Yes.

Q. Did you not make that after January, 1911? Look at it and think it over.—A. After January, 1911?

Q. Yes; after this last January, 1911. No; not the first. After January. Wasn't that made after the month of January, 1911?—A. No, sir.

Q. You have an entry there, the last entry, January 6, W. L. something, haven't you?—A. Yes; "Kries."

Q. C. C. Bowman, \$20.25. Isn't that entry in different ink from any entry made on the left of it there?—A. Well, it might be a different ink, but it is at the same time.

Q. Isn't it a different ink and don't it appear to the naked eye a different ink from any entry made on that book. The last entry on it, to the left, was made January 6?—A. No; I don't think it is different from that, and it is not.

Q. Different from what?—A. From "December 19, J. R. Davis, C. B. 200. 1910."

Q. Isn't it different from any other entry? Isn't it different from the others before, in your judgment?—A. I say it might look a little heavier.

Q. Don't it look a little heavier?—A. It don't look any heavier than that [indicating].

Q. Don't it look heavier than any other entry there?—A. It looks a little heavier than any of the items excepting that of December 19.

Q. Except J. R. Davis?—A. Yes.

Q. This is Jonathan R. Davis, is it?—A. J. R. Davis.

Q. Don't it look heavier than that?—A. No.

Q. Isn't the ink in a different color than that?—A. No.

Q. When you gave \$8,572.70 as that aggregate, you didn't have the \$700 added to it, did you?—A. Yes; the \$700 was included in the amount that I gave you.

Q. The 700—did it go to make up a part of the sums, did it go to make up a part of the \$8,572? Did it?—A. Yes.

Q. You are sure of that, now, are you?—A. Yes, sir.

Q. I wish you would give me some idea of the month that you made this entry of the \$700, claiming a credit as against the political account, will you please?—A. Well, I can't give you the exact time, but it was either in December or in the early part of the month of January.

Q. Now, there is no mistake about it, either, that you made that entry after Mr. Bowman told you that the \$700 was not on the political account, did you?—A. What was that question?

Q. You made that entry after Mr. Bowman had told you that the \$700 check that was drawn to Jonathan R. Davis was not on the political account? That is the first time you made it?—A. Yes, sir.

Q. Didn't you tell me that you didn't know at the last hearing? Didn't you tell me that you didn't know when he called your attention to that? When I examined you, didn't you?—A. I don't believe that I did.

Q. Didn't I ask you specifically about it when he told you that it was not drawn for political purposes and didn't you tell me that you didn't know?—A. No; I don't believe that I did.

Q. Don't you remember that I called your attention specifically to this \$700 and asked you when you discovered that it was not for political purposes, and didn't you say you didn't know and couldn't tell and couldn't give me any idea of it?—A. I might have told you that I couldn't give you the exact date.

Q. No, no; not the exact date. I asked you, didn't I, "Can you give me some idea of the time," and didn't you tell me that you didn't know?—A. I don't think that I did.

Attorney BOWMAN. Did you have the books at the time to refresh your recollection?

Mr. LENAHAN. I beg your pardon, but I am examining this witness.

Q. You remember at the hearing that you were examined in I asked you and showed you the cashbook when the word "personal" was put in?—A. Yes, sir.

Q. You remember that?—A. I remember your asking me.

Q. Do you remember that I asked you when "personal, for taxicab" was put in?—A. Yes.

Q. You remember that?—A. Yes, sir.

Q. Do you remember my asking you when that was put in?—A. I suppose you did.

Q. Do you remember telling me that you didn't know when that was put in?—A. I don't know just when it was put in.

Q. No; just answer my question. Did you tell me you did not know when it was put in?—A. I believe I did.

Q. And didn't I ask you if you could give me any idea when it was put in and didn't you tell me that you could not?—A. Well, I don't know when it was put in.

Q. You don't know, now, when it was put in?—A. I don't know exactly; no, sir.

Q. I am not asking you exactly. Didn't I ask you if you could give me any idea?—A. You did just now, a few minutes ago.

Q. No; I mean at the last hearing that you were examined, didn't I?—A. I don't remember.

Q. And didn't you tell me that you couldn't give me any idea?—A. I don't know exactly.

Q. No; I am not asking you exactly. Didn't you tell me you couldn't give me any idea when it was? Now, didn't you?—A. No; I don't remember very clearly, but I imagine that I said that I had put that in before my books were closed for last year.

Q. Do you testify to that now?—A. I believe so.

Q. Did you testify to that?—A. I believe so.

Q. Did you testify that you put that in before your books were closed for the last year?—A. I think so.

Q. When was it, as a matter of fact, that you closed the books for last year? What month did you close them in?—A. Well, I got my trial balance off as early as—

Q. No; I am talking about this now.—A. That is what I mean. My trial balance for December, I got it as early as I can in January, but it was probably—well, about January 15 or 20.

Q. Well, then, of course, if you put this down you say now on the check book or the stub of the check there when you were closing your books—

Attorney BOWMAN. Objected to, as she didn't say that, and there is no testimony to that effect.

Mr. LENAHAN. I am examining this witness.

Attorney BOWMAN. You can't put in your question what is not in the testimony.

Mr. LENAHAN. You know if I put a question that she can't answer or if I put a question the answer to which she don't give yes or no, I have a perfect right to do it, and you have no right at all to suggest to the witness.

Mr. BOWMAN. I am not suggesting. I merely stated the fact that your question was improper.

Q. Read the question. [Last question read.] Then, of course, if you put this down, you say now, on the check book or the stub of the check there when you were closing your books, then it was probably about the 20th of January you did it, wasn't it?—A. I said—

Q. Answer that, yes or no, and then make your explanation.

Mr. BOWMAN. The question is objected to in its form.

A. No.

Mr. JONES. Do you want to explain?

A. I was going to say that that was put in there before my books were closed.

Q. How long before your books were closed?—A. I don't know.

Q. How long before your books were closed did you put on "personal, for taxicab"?—A. I don't know.

Q. Can you give us any idea?—A. No.

Q. Then the best you can say about that is that it was put on the ledger some time before January 20? Is that right?—A. Yes, sir.

Q. Then that might have been put on after this contest was started, might it not, which was January 14?—A. I don't know.

Q. Now, Miss Robinson, I call your attention to another fact. If "personal, for taxicab," is in the same ink as this credit of \$700. Look at it. "Personal,

for taxicab," that you say was put in after the check was made out. That is in the same ink, is it not?

(Objected to, as the witness did not say that.)

Q. If you were here the other day when this testimony was delivered you would recall that she did testify to that. She testified to it here, too, practically.—A. Yes, sir.

Q. Then they were probably written at the same time, weren't they?—A. Not necessarily.

Q. What is the probability of it, in your judgment?—A. Well, it looks about the same; it may have been entered, but I am not sure.

Q. Now, I want you to tell me what you dated that December 31, that entry of \$700. Why did you do that?—A. Because the entries from the journal are dated the last day of the month in which they are made.

Q. Where does that appear on the journal?—A. It doesn't appear there at all.

Q. Where does that appear in the journal?—A. It doesn't appear at all.

Q. That doesn't either, does it?—A. No.

Q. Why didn't you date that the day you entered it there?—A. Because we don't do that.

Q. Haven't you put an entry here of January 6, 1911, of \$20.25?—A. Yes; but that was not from the journal.

Q. Where was that from?—A. From the cashbook or the checkbook.

Q. You took that from the check book?—A. Yes, sir.

Q. Then why didn't you put this as of the date in the check book—the \$700? The \$700 was taken from the check book also?—A. Not that \$700.

Q. Where did that \$700 come from?—A. From the journal.

Q. And where did the journal get it?—A. They got it from me, I guess.

Q. The journal got it from yourself—from this alteration that you made in the check book? Isn't that the truth of it? It was taken from that, wasn't it; that was the basis of it?—A. Yes, sir; certainly.

Q. The check dated November 14. Having some time after made out and delivered the check, you having put on there, "personal, for taxicab," you transferred that to the journal, did you, off the petty cash book?—A. Transferred this [indicating]?

Q. Yes.—A. No; this was posted from here to the "political account," and I thought that this check of Jonathan R. Davis's was for political expenses, and consequently I charged it to the "political account," and then when later on I found out that this \$700 was for a taxicab I made the entry in the journal.

Q. When did you make that entry in the journal?—A. I don't know.

Q. Just turn to the journal; we will see. Here it is.—A. Yes; here.

Q. You have got it on the journal under December 31, "C. C. Bowman," haven't you? "C. C. Bowman, \$700; political"?

Q. When did you make this entry, "C. C. Bowman, political," on the journal?—A. I don't know exactly.

Q. The next item you got is December, or I mean the last item you got in December, isn't it?—A. Yes.

Q. And I notice that you have along here, in many cases where credits of the same kind were given, you have given the dates, don't you? Take, for instance, Calvin L. Bowman, seventh month, eleventh day, 1910, eighth day, etc.—A. That is interest on that amount from that time.

Q. From that time to that time?—A. Yes, sir; that is what you see there, but it is not the date that I put it down.

Q. It is not the day on which you put it down?—A. No.

Q. You have on here every item, designating what the money was paid for and credited for, have you not?—A. Yes.

Q. Until you come down to the last item, "C. C. Bowman," and then you have "pol.," haven't you?—A. Yes.

Q. You have charged, have you not, "barn, taxicab, \$700," have you not?—A. Yes, sir.

Q. What is that \$700?—A. I don't understand what you mean.

Q. What do you mean by "barn, taxicab, \$700"?—A. I am just charging that to the barn account.

Q. Where did you get that from? Where did you get that \$700 from?—A. That is just an entry that was made—

Q. When was it made?

Mr. Jones. Let her finish her answer.

Q. The truth is, this entry of \$700 was made to make the second \$700 you got on the credit side, even up; that is true, isn't it?—A. No, sir; it was made because I had made an error in posting \$700 under the wrong account.

Q. That is the reason of it?—A. Yes, sir.

Q. Why didn't you designate that? Why didn't you say that?—A. It was because I didn't think it was necessary.

Q. That is the reason, the only reason, you didn't think it was necessary. That account standing there of \$700 credit don't explain anything there, does it?—A. It says taxicab.

Q. It don't explain anything. That don't explain anything, unless you explain it outside of the book?

Attorney BOWMAN. It explains it to the bookkeeper.

Q. That don't explain anything, does it?—A. I think it does.

Q. "Barn, taxicab, charge \$700"?—A. Yes, sir.

Q. This personal charge to C. C. Bowman, politics, credit \$700; that explains itself, does it? Is there anything in these two entries there outside of the \$700 to show that there is any connection between that and that; to show that there is anything between them without explanation?—A. I don't understand what you mean.

Q. Is there anything in these two entries to show that there is any relation between them outside of the fact that each is for \$700?—A. That "taxicab" explains it.

Q. "Taxicab" has no reference to "C. C. Bowman," "C. C. Bowman, politics," has it?—A. It seems to.

Q. Where is it on there that it shows it has any relation, the one to the other, outside of the \$700? Supposing you went into a stranger's store and picked up the books and opened them and looked at these, is there anything there now to indicate that "barn" and "taxicab," on the one hand, and "C. C. Bowman, politics," on the other, there is any relation at all? There is nothing there to indicate any relation between them, is there? Now you can answer it.

Attorney BOWMAN. Give her a question that is not so vague. Give her a question that she can understand. Ask her so that a bookkeeper can understand.

Q. No; I am asking her as a person of ordinary intelligence. I am now eliminating that \$700. You can answer that?—A. What is it you wanted?

Q. What is there to indicate that there are any relations between these two entries? I have the \$700 eliminated. Answer that question, can't you?—A. I suppose if you didn't know anything about it—

Q. Exactly.

Attorney BOWMAN. Exactly, before she can finish her answer. She never was on the stand before. Why not be fair with her? You are worrying her to death. Let her go on and explain.

Q. That is right?—A. What is right.

Q. The answer you made? That you supposed that was true; isn't that so?—A. I said if I didn't know anything about it, it would seem so.

Q. I want you to say—to run these items over again; give me the figures. You have given the figures aggregating an amount of \$8,572.70. That is the figures that are now upon the debit side—you have made it \$8,572.70, have you not?—A. Yes.

Q. I want now again for you to give me the aggregate. You said it was \$8,572.70. Look that over and tell me whether or not you have not made a mistake in that aggregate?—A. That doesn't include the \$700.

Q. I am not asking that at all from you?—A. That is \$9,272.70. This balance was what was given me instead of the total amount.

Q. Read off the balance.

Attorney BOWMAN. We object to that.

Q. You can make an explanation on the record, if you wish.—A. A mistake was made by taking the balance shown on the book instead of the debit total.

Q. Miss Robinson, please tell me when you made those entries on this ledger, beginning with the first. Did you make all those entries at the same time?—A. No, sir.

Q. Tell us when you made them.—A. Whenever I posted from my check book to my cashbook.

Q. When did you, now, with reference to these October entries there, when did you post from your cashbook and check book?—A. How often during the month? Once.

Q. What part of the month did you do that in?—A. Well, I may have begun about the 29th or the 30th of October, or the 1st or the 2d of November.

Q. What part of the month did you do it in?—A. Well, any time from the 28th of October to the 2d of November.

Q. Was that when you posted this book here for October? Understand, now, when you posted that for October. Even if it was during the month of November, you didn't make the entry even then in the month of November, did you—the \$700 credit to Mr. Bowman?—A. From which book?

Q. Any book. I don't care: any book at all. You made this ledger up, beginning the latter part of October, you say you did, or the fore part of November. Then, when you had all the month of October straightened out, there was no such entry there for the last two months of \$700 that you got on here now?—A. Of this \$700?

Q. Yes; at least two months after you straightened up the month's account for October; is that right?—A. After I had posted or straightened it out, do you mean?

Q. After you posted. You posted this, you say, in the latter part of October, or in the fore part of November?—A. I posted the October account.

Q. Isn't this, too, some part of it, the October account?—A. From there down to there it is October.

Q. Then, when did you post that up to November; when did you post it?—A. I posted the October account probably about the 1st or 2d of November.

Q. At that time you made no entry of the \$700, did you, of a credit?—A. No; I hadn't made that entry of \$700.

Q. Now, the November month's entries—you made those the latter part of November or the fore part of December, didn't you?—A. Yes.

Q. That is right, isn't it?—A. Yes.

Q. So when you had posted the November accounts you hadn't made the entry of \$700 and credited Mr. Bowman, had you?—A. No.

Q. And you made one more entry, Jonathan R. Davis, \$132.10, and W. L. Price, \$20.25?—A. Yes.

Q. You hadn't entered the \$700 as a credit up to that time, had you?—A. Yes, sir.

Q. Do you swear you had done that—that you entered the \$700 up before January 6?—A. I am not sure about that.

Q. Will you please tell me if you credited that in January, this \$700, why you didn't put on it, on the credit of the \$700 the date you made it?—A. Because I don't do it that way.

Q. I know you didn't do it this time.—A. I don't ever do it, not when it is transferred.

Q. Do you mean to say if you credited a thing to-day that you will put it back with a credit upon your book, back last February? This is March. Then you will put it back in February? This is March, although you actually make it out to-day. You don't mean that, do you?—A. If it is the early part of the month.

Q. You have it on here. This, according to you, was chargeable up to the October payment. It was a credit or a payment in October or November, I should say. Wasn't that right?—A. Yes, sir.

Q. Then, why didn't you put it on here as of the November account?—A. Because the November account was closed.

Q. The November account has been closed? Where was it closed? Point out in your book where it was closed.—A. Well, I got my trial balance.

Q. And where are those trial balances?—A. In the offices.

Q. That is the best answer you can give to-day, is it?—A. Yes, sir.

Q. Why didn't you turn that in against the January account as of the date that the entry was made by you of \$700? You have the account, the January account, here. Why didn't you turn it in against that?—A. Maybe it was not in January.

Q. I am only asking you, taking your own testimony.—A. I said I didn't know whether it was in December or in the early part of January.

Q. But you have testified that it might have been after the contest. The contest was started on January 14. All you know about that was that you thought it was done before the 20th of January, but you don't know what time in January?—A. No; I don't know.

Q. And you may have entered it after the contest?—A. I don't know when I entered it.

Q. And you can't give us any idea, can you?—A. Well, but only an idea.

Q. You don't know when you entered it, nor can you give us any idea, can you? How is that?—A. All I can say is that it was entered either in December or in the early part of January.

Q. What do you mean by the early part of January?—A. Up to the 20th.

Q. That is all you can say, up to the 20th?—A. Yes, sir.

Mr. LENAHAN. I desire to have the trial balances from June up to the 1st of March here to-morrow morning, the first thing. You will please bring them here, and the ledgers you have here.

Mr. JONES. The contestee will produce the trial balances at any time that the contestant requests to have them here, but we must insist that this witness, being absolutely necessary as a part of the working force of Mr. Bowman's office, that she be called at the outset of to-morrow's proceeding.

Mr. LENAHAN. We will call her the first thing and you have all the books here. We also want to have Mr. Davis here, because if we get through with the examination of this young lady I desire to proceed with the examination of him.

Adjourned until 10 a. m., Saturday, March 11, 1911.

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee (or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys):

You are hereby notified that on Saturday, the 11th day of March, 1911, at 10 o'clock in the forenoon at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows: William Dykens, Nanticoke, Pa.; W. H. Hollister, Avoca, Pa.; David T. Davis, Wilkes-Barre, Pa.; Charles B. Smith, Plitston, Pa.; Isaac Edwards, Nanticoke, Pa.; John Carney, Kingston, Pa.; William J. Trembath, Kingston, Pa.; Peter Quinn, Wilkes-Barre township; Matthey Long, Hazleton, Pa.; Thomas Devey, Wilkes-Barre, Pa.

GEORGE R. MCLEAN.

Service accepted this 9th day of March, 1911.

EVAN C. JONES,
Counsel for Contestee.

SATURDAY, MARCH 11, 1911.

Hearing resumed at 10 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., counsel for contestant; John E. Jenkins, Esq.; Arthur L. Turner, Esq., commissioner for contestant; C. C. Bowman, contestee, in person; Evan C. Jones, Esq., counsel for contestee; John H. Dando, Esq.; William Bowman, Esq.; John A. Opp, contestee's commissioner.

NINA J. ROBINSON recalled on behalf of contestant.

Examined by Mr. LENAHAN:

Q. Before proceeding to look at the trial balance I wish you would look at the ledger you had here yesterday under the dates of October and November. Just turn to those figures. I wish you would state how much the aggregate is under "C. C. Bowman, political campaign," as appears from this ledger before you. How much aggregate is?

[Witness refers to ledger.]

Mr. JONES. For what period?

Mr. LENAHAN. I asked her to give me as that book appears how much the aggregate of the political campaign expenses incident to the political campaign of Mr. Bowman as appears in this book?

Attorney BOWMAN. Contestee objects to that on the ground that it covers a period prior to June 4, and it also covers a period not included within the notice of inquiry in this investigation. Further, it is irrelevant, immaterial, and incompetent in this hearing.

Q. Will you please give me that? How much is that?—A. \$13,159.70.

Q. Give me the aggregate as you have run it up of the amount of the political expenses of Mr. Bowman.

Objected to for the same reasons given above.

A. \$13,839.70.

Q. Now, Miss Robinson, is there anything charged under the head in this book; is there anything charged under the head of "C. C. Bowman, political campaign," for moneys paid to Thomas O'Brien? And while looking for O'Brien look for St. John, too. Look for both, so you won't have to go over it twice.

(Witness refers to book.)

Q. Is O'Brien's name on there?—A. I will have to refer to the check book and the petty cash book [witness refers to books].

Q. Can you answer that?—A. The money given to O'Brien is charged to C. C. Bowman's political account.

Q. Where does it appear in your ledger?—A. Here.

Q. Read where it appears in your ledger. Please read off where it appears in that ledger. Read it off where it appears where O'Brien was paid money. I am asking you to read from the ledger where Thomas O'Brien was paid any money that was charged to the political account of C. C. Bowman.

Attorney BOWMAN. He means read the aggregate.

Mr. LENAHAN. This is not what I want at all, and I object again to the gentleman interfering while I am examining this witness.

Q. Miss Robinson, I asked you to kindly read from your ledger where there is \$1 appears as being paid Thomas O'Brien for politics by Mr. Bowman.—A. It is included—

Mr. BOWMAN. Let her answer the question.

Mr. LENAHAN. Mr. Bowman, I ask you to let the witness answer the question. Now Miss Robinson, in the ledger before you.—A. It is in these amounts.

Q. Is it in the ledger before you?—A. These amounts—

Mr. BOWMAN. She said "yes."

Mr. LENAHAN. She did not.

Mr. BOWMAN. She said it was in these amounts.

Q. Is it in the ledger before you any money was—does it appear any money was paid Mr. O'Brien?—A. Yes, sir.

Q. Read it from the ledger.

Mr. BOWMAN. Read it from the ledger, Miss Robinson.

Mr. LENAHAN. I think I am about as intelligent as you are, and I think I am a little more experienced, and I do not think you have any right to intercept your remarks in here at this stage of the case.

Mr. BOWMAN. You asked her a question; let her answer it.

Mr. LENAHAN. It appears on the record what I asked her. I want her to be frank and answer my questions. Read the question to the witness again.

(Question read.)

Q. Read from the ledger what appears and where it appears as having been paid to O'Brien.—A. On page 171 there is \$20 appears, taken from the petty cash book.

Q. I am not asking you where it was taken from. I want you to read from that ledger. Read it from the entry there.—A. May 31, P. C. B., page 171, \$20.

Q. Does that show any money as having been paid to O'Brien on that book you have read from?—A. No, sir.

Mr. JONES. Do you want to explain that?

(Not answered.)

Q. Then why do you say that money was paid to O'Brien?—A. Because it says on the petty cash book.

Q. Let me see the petty cash book, where it says so.—A. May 10, political campaign money given to O'Brien, \$10; May 12, money given to O'Brien, political campaign, \$5; May 17, T. J. O'Brien, political work, \$2; May 18, T. J. O'Brien, political work, \$3.

Q. Haven't you carried that \$20, political campaign, from page 171, in the petty cash book?—A. Yes, sir.

Q. You have done that, haven't you?—A. Yes, sir.

Q. Does that appear as being paid on page 171 to O'Brien?—A. No, sir.

Q. It does not?—A. No.

Q. Go on to the next. Are there any more supposed but not actual entries of moneys being paid to O'Brien for political purposes in that ledger before you? What date is that?—A. \$20?

Q. Yes.—A. May 31.

Q. Go on.—A. September 30, P. C. B., page 191, there is the amount of \$3.75.

Q. Wait a moment. That is all that is entered on the ledger, the ledger you have read from. What you have read is what appears there?—A. Yes, sir.

Q. Where did you get that from? The petty cash book? What does the petty cash book say?—A. Petty cash book, "C. C. Bowman, political, \$3.75."

Q. It don't mention O'Brien's name on that page?—A. Not there.

Q. Where is that entry of \$3.75?—A. The \$3 is there.

Q. Why do you say that this petty cash book shows \$3.75 paid to O'Brien?—A. It doesn't show \$3.75 paid to O'Brien.

Q. Then there is nowhere appearing in any book a reference to the \$3.75 paid O'Brien, as appears in this book for political purposes, the ledger, for \$3.75?—A. The petty cash book would show \$3 given to O'Brien.

Q. Does it show \$3.75 given to O'Brien; the petty cash book?—A. No, sir.

Q. Then I will ask you again: Point out to me on this ledger where it appears any \$3.75 that you have charged here anywhere on that book that money was paid to O'Brien, or upon any other book.—A. That petty cash book would show that \$3 was paid to O'Brien.

Q. Does it show \$3.75 given to O'Brien on the petty cash book?—A. No, sir.

Q. It doesn't?—A. No, sir.

Q. Does it show \$3.75 paid to him? That is the question I am asking you? Attorney BOWMAN. It was not the question as you put it.

Q. Does the petty cash book show \$3.75 paid to O'Brien?—A. No.

Q. And there is no books show that, is there?—A. No.

Q. I wish you would give me from the ledger as it appears there any moneys, from the ledger that you have before you, as being paid to O'Brien for political purposes. Will you please do that?—A. Here is October 10, "O'Brien, Dis. Inf. C. B. 86, \$50."

Q. That is the only one in the whole ledger where it appears any money had been paid to O'Brien for political work?—A. No, sir.

Q. Where?—A. October 28th, "O'Brien Dis. Inf. C. B. 106, \$50."

Q. Those are the only two items, the ones you have read off, of \$50 each that this book shows any money as being paid to O'Brien for political purposes?—A. No, sir.

Q. Where is the next?—A. The amounts—

Q. I am asking you about this book, the ledger here. I am not asking you about that book [indicating].

Attorney BOWMAN. She has answered your question. She has answered from the ledger, and I object to a repetition of the question.

Mr. LENAHAN. I insist that the decency and propriety that should be observed in the conduct of a judicial investigation shall be enforced here.

Attorney BOWMAN. I insist that as attorney for the contestee that when a witness makes an answer to a question, as she has in this case made two or three answers, that Mr. Lenahan then go to some other question.

Commissioner TURNER. This proceeding is to be conducted the same as if we were in a courtroom. All objections should be made on the record. It is not necessary to address counsel or the witness.

Mr. LENAHAN. If this gentleman has any objections to make, let him make it; he is not supposed to stand up and say to me that the witness has answered the question. If the witness has answered the question, it appears on the record; and in no court of justice would such conduct be tolerated. It may be that in Tammany Hall it would be tolerated, but not in Luzerne County.

Q. I will ask you to answer the question. Is there anything on this book, this ledger that you have before you, anything showing any moneys paid to O'Brien for political purposes outside of the two \$50 items that you have read off here.

Attorney BOWMAN. Objected to on the ground that it has been asked three or four times prior and has been answered.

A. Yes, sir.

Q. Read off where it is.—A. In these amounts that I have just given you—

Q. Read off where it appears from this book that it was paid to O'Brien.—

A. "May 31, P. C. B. 171, \$20."

Q. Does that book show there that the money was paid to O'Brien?—A. Not right there.

Q. Does this book show anywhere that it was paid to O'Brien?—A. The amounts show.

Q. Read where the amounts show it was paid to O'Brien. You may as well answer that question: we will get the truth anyway. I want you to read to me where it appears on that book outside of the two \$50 that any other money was paid to O'Brien other than the two \$50 you have mentioned.

Attorney BOWMAN. Objected to that. You are getting the truth.

A. Well, only in amounts.

Q. I will ask you again. Does it appear anywhere? That is a fair, plain question. Does it appear upon these books that you have before you?—A. His name does not appear.

Q. I am asking you where does it appear upon that book before you, the ledger in which the political account of Mr. Bowman purports to be kept—does it appear on that book before you that any other moneys from the book itself were paid to O'Brien for political purposes outside of the two \$50 items? Please answer that yes or no. The book is before you; and it is susceptible, the question is, of yes or no, and please answer it. Why do you hesitate to answer it?—A. Because I think these amounts that are given here show money paid to O'Brien.

Q. Where does the book show it was paid to O'Brien; the book itself? Point out where. Kindly pick out where it was paid to O'Brien.—A. His name is not here.

Q. Then it doesn't show that money was paid to O'Brien other than the two \$50 items, does it? That book before you?—A. I said his name does not appear there.

Q. I am not asking you that. I am asking you a simple question. You can answer it yes or no. Please answer. Read the question to the witness.

(Question read.)

Q. Why do you hesitate to answer that plain question? It could be answered without any hesitation at all.—A. I guess I don't look at it in the same light as you do.

Q. I am not asking you that now.—A. His name is written here.

Q. You are looking at the book, and the book speaks for itself. Why do you hesitate to answer that question?

Attorney BOWMAN. I ask that the witness be allowed to finish her answer.

A. His name doesn't appear.

Q. I am not asking you if his name appears. Does it appear before you there in that book before you that any money was paid to O'Brien other than the two \$50 payments?—A. Why, yes.

Q. Read off where it appears that it was paid to him from the book?—A. Well, this item, "May 31, P. C. B., \$20."

Q. Does that show it was paid to O'Brien on the book?—A. No, sir; I don't.

Q. Then, why didn't you answer that before?—A. I didn't know that is what you meant.

Q. Please turn to that ledger and tell us if it shows any money paid to St. John for political purposes? Well, I will withdraw that question for the present.

Q. Have you got any other item on that book of \$20 or ledger before you as being paid to O'Brien? I am asking about that book?—A. No, sir.

Q. You have not?—A. No.

Q. Miss Robinson, I see here, October 21, T. J. O'Brien, \$20 for political purposes, in this petty cashbook. Tell me where that appears on the ledger under the political account of Mr. Bowman. A. (Refers to book.) It doesn't appear. It doesn't appear on the political account in the ledger.

Q. I want to know where it does appear.—A. It must be at "house."

Q. I am not asking you what must be. Where does it appear?

Attorney BOWMAN. Where does it appear? Where, please?

Q. Where does it appear on her books. I want her to point out to me where it appears. In what book outside of that petty cashbook?—A. On the ledger, charged to "house."

Q. Point out where it appears charged to "house."—A. (Refers to book.) It is included in the item of October 31, C. B. 195, \$55.98.

Q. Is it mentioned specifically?—A. In the ledger; no.

Q. Why didn't you charge that to the political account? You have got it marked on your cashbook, political account. You have also charged, at or about that period, two \$50 payments, appearing in your ledger as taken from that petty cash account, as being paid to O'Brien for political purposes. Why

did you not transfer that to your ledger under the political account of Mr. Bowman, that \$20?—A. I must have made a mistake when I added it up and put it in the wrong column.

Q. Is that the only reason that you can give that you must have made a mistake?—A. That is the only reason.

Q. You have got under "house," on page 195 of your petty cashbook, \$55.98, in which you say is included this \$20?—A. Yes.

Q. Tell us how you could have made that mistake?—A. Why, at the end of the month I make different columns and put these items under each column.

Q. That is, you make a "political" column and a "house" column; is that what you make?—A. Yes; of the different items given here.

Q. Well, if you had before you \$20—you had the petty cashbook before you—\$20 paid to O'Brien for political purposes—didn't you?—A. Yes.

Q. And your explanation now is that that \$20 you transferred by mistake to the "house" account instead of the "political" account; is that right?—A. I didn't transfer it exactly; I just put in the wrong column.

Q. You took it from the petty cashbook, although the petty cashbook showed the \$20 for political purposes, by mistake. By mistake you took that \$20 and charged that large sum of \$20 and put it in the "house" account, did you?—A. Yes.

Q. And you never discovered your mistake until I called your attention to it now, did you?—A. No.

Q. Is that right?—A. That is right.

Q. I will ask you now to look at that cashbook, that petty cash account; the item of St. John, for political work, isn't it?—A. Yes.

Q. \$25?—A. Yes.

Q. You didn't put that in the political account of Mr. Bowman either?—A. No, sir.

Q. Why did you conceal that from his political account?—A. We charged the money given to St. John to his account; to his personal account.

Q. To whose personal account?—A. C. W. St. John's.

Q. To C. W. St. John's personal account? And does any of Mr. St. John's personal account appear in this political account?—A. I don't understand the question.

Q. You have the "political" account here before you. I ask you if any of the moneys paid to St. John appear in that political account in the ledger?—A. No.

Q. Why didn't you put them in as a part of the "political" account? Why didn't you do that? You have put it in your petty cashbook, "For political work, \$25." Why did you not do that?—A. Because we charged his account with all money given to him.

Q. Of course you did; but why didn't you charge what it was for when you were making up the account of Mr. Bowman for money paid out for political work? This was one of the items, wasn't it, as appears from your own entry there?—A. Yes; it must be.

Q. Then, I will repeat to you again. Why, when you were making up the political account, why didn't you put that where it belonged? Why did you conceal it in St. John's personal account?—A. Do you mean why didn't we, in our ledger, when making up this political account?

Q. Yes. A. Because it was charged to his account.

Q. What is that?—A. I say because it was charged to his account.

Q. Is that the only reason that you can give?—A. I said the money that we gave him we charged to his personal account.

Q. But this account on the ledger purported to show all the political expenses of Mr. Bowman, didn't it?—A. Yes.

Q. Then, I will ask you again. It is not correct, is it, this account in the ledger?—A. Why, yes, sir.

Q. Why here is \$25 political money that is not in. That is \$25 appearing in the petty cash account as for political purposes—that is not in the ledger account of Mr. Bowman's political expenses, is it?—A. No.

Q. Then this account is not correct as to his political expenses, is it? That is a self-evident proposition.—A. Why, I judge this \$25—

Q. No; answer my question. I want you to answer my question. That political account, then, that you made up for Mr. Bowman is not correct, is it?—A. This ledger account?

Q. Yes. That ledger account, that is the one I am asking you about.—A. No; it would not be.

Q. It appeared here in the evidence, at some previous hearing, that \$61.80 in the month of October was paid to St. John for political purposes. I wish you would point out to me upon your ledger book, under the political account of Mr. Bowman, where that appears.—A. It doesn't appear under the political account.

Q. Does it appear in the petty cash account?—A. The amount of \$61.80?

Q. "Moneys paid C. W. St. John for political purposes, \$61.80." Does it appear in the petty cashbook?—A. No; not the \$61.80.

Q. Is there anything under account "personal," "house," or anything else in the ledger of \$61.80? Any entry?—A. No.

Q. It does not? Miss Robinson, have you the trial balances here? When you make these trial balances up, do you submit them to Mr. Bowman?—A. Yes.

Q. He goes over them, does he?—A. Yes.

Q. I show you the trial balance for November. When was that made up? About what time in December?—A. Probably about the 20th.

Q. Of December?—A. December 20.

Q. And submitted to Mr. Bowman after it was made up?—A. Yes.

Q. Miss Robinson, you have got an item in on the trial balance of "\$13,707.35, C. C. Bowman, political," have you not?—A. Yes.

Q. In that is included the \$700, the taxicab item, isn't it?—A. Yes.

Q. Have you got on your ledger before you any statement of personal expenses of Mr. Bowman, under the head of "political" account, where those personal expenditures were made in political matters? You can just look at it and see.—A. Any money that Mr. Bowman got is charged to C. C. Bowman's personal account.

Q. Any personal expenses that were incurred by him in the political campaign, have you got those charged in the political account as it appears in this ledger?—A. I don't know what Mr. Bowman spent the money for.

Q. I am not asking you that. Have you got in that ledger any account of any personal expenses incurred by him in the campaign? Or in pursuance of the campaign? Look at it there. The political account is before you. Does it appear before you there?—A. It doesn't appear in the political account.

Q. It doesn't appear in the political account?—A. No.

Cross-examination by Mr. JONES:

Q. You have testified here, in response to a question from Mr. Lenahan, that the total amount as shown by your ledger of the C. C. Bowman political campaign account was \$13,859. Is that right?—A. Yes, sir.

Q. That includes this item of \$700 for a taxicab, does it not?—A. Yes.

Q. And it also includes the items in this book prior to June 7?—A. Yes.

Q. I wish you would total the items on this book prior to June 7.—A. \$4,587.

Q. You have given here—Mr. Lenahan has asked you whether or not this C. C. Bowman political account, as evidenced upon your ledger, shows any payments to Thomas O'Brien for political purposes. The first item you referred to was what charge? May 31. That item as it appears on your record is as follows, isn't it: "May 31, P. C. P., 171, \$20"?—A. Yes.

Q. What does that "171" mean on your ledger?—A. The page in the petty cashbook from which it was posted.

Q. Now, isn't it a fact that that \$20 as posted to your cashbook is made up of these four items taken from your petty cashbook, "Page 172, political campaign money, given to O'Brien, \$10; page 174, T. O'Brien, political work, \$2; page 174, money given O'Brien, political campaign, \$5; and page 174, T. J. O'Brien, political work, \$3"?—A. Yes.

Q. Now, in your ledger, which you now have before you, that item is posted from page 171, isn't it?—A. Yes.

Q. And on page 171 of your petty cashbook is there any item of political campaign, \$20?—A. Yes.

Q. And this is where you got that sum of \$20 from?—A. Yes.

Q. And that sum of \$20 as appears in the items on page 171 in your petty cashbook is in the recapitulation, isn't it?—A. Yes.

Q. In other words, it includes the four items on the several pages of the petty cashbook, as I have detailed them to you?—A. Yes.

Q. Now, on your ledger, in the C. C. Bowman political account, there appears "October 1, O'Brien, dis. of inf., C. B., 86, \$60." What does the "86" refer to?—A. The page in the check book from which it was posted.

Q. This check book is paged by you, is it?—A. Yes.

Q. In red ink?—A. Yes.

Q. With reference to page 86 in your check book and particularly to check No. 16100, is that the check to "T. J. O'Brien, September salary for dissemination of information, C. C. B., pol." Is that the check you posted?—A. Yes.

Q. The next item shown on your ledger is to O'Brien, October 28, as follows: "Oct. 28, T. J. O'Brien, 106, \$50." What does that refer to?—A. The page of the check book from which it is posted.

Q. Turn to page 106 of your check book and directing your attention particularly to the stub of check No. 16130, October 28, marked to the "Order of T. J. O'Brien, October salary, C. C. B., pol., \$50." Is that the check you so posted?—A. Yes.

Q. A question has been asked you relative to the item of \$25, political campaign expenses to C. W. St. John, and an item of \$61.80 to C. W. St. John. Do you mean that nowhere in your ledger have these items been posted, or have they been posted to your ledger?—A. They have been posted.

Q. To whose account?—A. C. W. St. John's.

Q. Then you didn't mean to answer Mr. Lenahan that nowhere in the ledger, in any account, did that item of \$61.80 appear?—A. It appeared in the account of C. W. St. John.

Q. In the ledger?—A. Yes.

Q. C. W. St. John is a traveling salesman for Mr. Bowman?—A. Yes, sir.

Q. And has been for a great number of years?—A. Yes.

Q. He was in the employment of Mr. Bowman at the time that you went into Mr. Bowman's employ, some eight years ago?—A. Yes.

Q. And during all these years he has had an expense account—a monthly expense account?—A. Yes.

Q. And do you say that you have posted monthly to the ledger his expense account as turned in?—A. Yes.

Q. These two amounts—\$25 and \$61.80—are shown in the ledger, but not in the political account of C. C. Bowman?—A. Yes.

Q. You have been shown a trial balance by Mr. Lenahan showing a total of \$13,707.35, that particular trial balance being for the month of November, 1910?—A. Yes.

Q. Do you want to be understood that that trial balance shows that sum of money was expended for political work in the month of November, 1910, or is it the total expense for the year?—A. It is the total expense for the year.

Q. When you make a trial balance and submit it to Mr. Bowman, showing any particular account, doesn't it bring all the entries in that particular account down to the date at which you took off your balance, your trial balance?—A. Yes.

Q. So that this sum of \$13,707, as shown in the November trial balance, included all the political expenses of that year—for the year 1910?—A. Up to the 1st of December.

Q. I show you your trial balance made up for the month ending December 31, 1910. What is the total of Mr. C. C. Bowman's political expenses, as evidenced by that trial balance?—A. \$13,139.45.

Q. That doesn't include the \$700 for the taxicab?—A. No.

Q. So that this, as near as you can recollect, is the time that you took the \$700 out of the political account? It was at that time, or some time prior to that time, that you got off the trial balance for the month of December?—A. Yes.

Q. But you can't recollect what particular part of the month of January it was, except that probably it was before the 20th of the month?—A. I can't recollect the exact date.

Q. But it was before the 20th?—A. Yes.

Q. When you post from your petty cashbook to your ledger, which you now have before you, do you post all the individual items or do you take a recapitulation of the items which should go under one heading and post the sum?—A. Yes; I take a recapitulation and post the total sum.

Q. And in this particular item to which I refer, of May 31, the \$20 you say you posted that from the recapitulation as shown on page 171 of the cash-book?—A. Yes.

Q. And for that reason O'Brien's name doesn't appear in it?—A. No.

Q. But by reference to the petty cashbook, the four amounts on it, that sum of \$20 is made up, and there they do appear in the name of O'Brien?—A. Yes.

Q. You testified last week that the C. C. Bowman political account, as shown by your ledger, was not correct. Let me ask you this question: With the exception of these three items, to wit, the item of \$20 that you say you charged

by mistake to the "house" account and which should have been charged to the political account, and the second item of \$25 to C. W. St. John, and the third of \$61.80 for expenses to St. John—with the exception of those three items, isn't your political account correct?—A. Well, I would like to explain about this amount for St. John. When he got that \$25 I charged it to C. W. St. John's account, and when he turned in his expense account and there was \$61.80 which he showed as being spent for political expenses, that \$25 would not be included in the political expenses.

Q. Was there anything in his return to show it was for political expenses?—A. \$61.80?

Q. No; the \$25.—A. It was included in the \$61.80. Yes; he took credit for that on his expense account, for that \$25 on his expense account, and showed his total political expense to be \$61.80.

Q. Let me see if we understand each other. St. John got \$25 at one time for political expenses and at another time got an additional sum of \$61.80?—A. No.

Q. But the \$25 was an earlier payment, and was included in the return made later of the total of \$61.80?—A. Yes.

Q. And with the exception of these two accounts, then, the \$61.80 and \$20 which you made a mistake in posting, that political account is correct?—A. Yes, sir.

Redirect examination by MR. LENAHAN:

Q. Do you want to go upon the record now as swearing that, with these two exceptions, that political account is correct?—A. Yes.

Q. Do you include in that ledger the personal expenses of Mr. Bowman, incurred for political purposes, under the head of C. C. Bowman political campaign? Does it appear there—his personal expenses for the political campaign? Does it?—A. I don't know what personal expenses he had.

Q. I am asking you if it does appear there.—A. I don't understand what you mean.

Q. It is this—why, you understand Mr. Jones very well always. Does this ledger account of C. C. Bowman political campaign show the personal expenses incurred by Mr. Bowman for political purposes?—A. All the money that he expended that I know of for political purposes is what was given out in checks.

Q. That is all you know? What he gave out in cash you would not know?—A. No.

Q. Then you can't say that this account of C. C. Bowman's political campaign is correct as showing what he spent for political purposes, can you?—A. As far as I know, it is.

Q. I am not asking you that. You can't say, can you? You don't know, in other words, what he spent for political purposes personally, do you?—A. I don't know what he did with the money.

Q. Then you don't know that this account is correct, do you?—A. It is correct as far as I know; yes.

Q. Do you say it is correct, absolutely correct, although you don't know what he spent for political purposes?—A. Yes; this account is correct.

Q. This account shows the moneys he spent for political purposes personally, does it?—A. Yes; all the money that I have a record of for political purposes is on here.

Q. Does that show the money he spent personally for political purposes? That is the question before you now. Does it?—A. I don't know what he spent personally.

Q. I am not asking that. Does it show what he spent personally for political purposes? That is the question.—A. There is nothing in this account to show what he spent.

Q. Personally for political purposes, is that right?—A. If he spent any, I don't know what he spent.

Q. I want you to answer my question yes or no. Does that account show the moneys he spent personally for political expenses—the account before you now? Answer yes or no.—A. No.

Q. It does not? Then you don't know whether that shows the money that he spent for political purposes or not, do you?

Attorney BOWMAN. Objected to on the ground that it has been asked and answered a couple of times previously, and that the effect of the answer was that it was correct to the best of her knowledge and records.

Q. I am not asking her knowledge. Then you don't know whether that shows the money he spent for political purposes or not, do you? Answer yes or no. Does it show all the money he spent? Answer that yes or no. Why do you hesitate to answer?—A. I don't understand what you mean—personally?

Q. Do you say—I will put it to you again. Do you say that this account shows all the moneys that Mr. Bowman spent in the political campaign for political purposes?—A. All that I know of that he spent for political purposes is charged to this account.

Q. I am not asking you that.

Mr. JONES. That is an answer.

Mr. LENAHAN. No; it is not.

Q. Will you say—do you swear that this account shows all the money spent for political purposes by Mr. C. C. Bowman personally?

Mr. JONES. Objected to because this witness would have no knowledge of anything except what passed through the books of the office. She has testified at least three times that the record, with the exception of two items referred to before, is correct as far as she knows and she knows of no other money.

Mr. LENAHAN. She has testified, in response to the counsel of the contestee, her employer, that this book showed all the moneys spent by Mr. Bowman in the political campaign. She testified to that voluntarily, and I am now going to find out what she knows about it, and I will, therefore, repeat the question until she answers it yes or no, if I have to put it a hundred times to her.

(A previous question and answer read as follows: "I want you to answer my question yes or no. Does that account show the moneys spent personally for political purposes—the account before you now? Answer that yes or no.—

A. No.")

Q. It does not?—A. No.

Q. Where is the account on your ledger of St. John?

(Witness refers to book.)

Q. Show me where on the account of St. John is "Political expense, \$61.80," on the ledger here?—A. Where is that expense account? October 31, Journal, 114, \$82.80.

Q. Where is this \$25 on there?—A. October 31, P. C. B., 195, \$25.

Q. Point out where the \$61.80 is again.—A. Here [witness indicates].

Q. You have got now in October, P. C. B., \$25, have you not, in the St. John account?—A. Yes, sir.

Q. What does "P. C. B." mean?—A. Petty cashbook.

Q. Have you got anything in this book, the ledger, showing that either the \$61.80 or the \$25 was for political expenses—on the ledger?—A. No.

Q. You have testified here, if I understood you right, that the \$61.80 includes the \$25. Haven't you testified to that?—A. Yes.

Q. Is that correct?—A. Yes.

Q. Look at that book now and see if it is correct.—A. Yes.

Q. Haven't you got the \$25 on the book there?—A. Yes.

Q. Haven't you got the \$61.80 on the book?—A. Yes.

Q. Tell us how you embraced the \$25 in the \$61.80, for you have him charged with \$25 once and with \$25 again.—A. There are two sides of the ledger; this is the debit and this is the credit.

Q. Show me how you have the \$25 in there, making it a part of the \$61.80. Show me how you made that up.—A. This credit of \$82.80, of which \$61.80 was used for political purposes, and on this side, on the debit side, there is \$25 from this back.

Q. Where did you take that \$25 from?—A. From the petty cashbook.

Q. Then you charged \$25 to St. John, did you?—A. Yes.

Q. How does it appear there that this \$25 is given credit in the \$61.80 any more than any other item in the credit side? You have testified here that the \$61.80 embraced the \$25. You testified to that, didn't you?—A. Yes.

Q. Tell us how it embraced it? How does it embrace it any more than any other item on the debit side there?—A. Well, he spent altogether \$61.80, and I gave him \$25 of that.

Q. Of the \$61.80 you gave him \$25?—A. Yes.

Q. Didn't you cash for him the \$25 long before he incurred the \$61.80, or the part left after taking the \$25 from the \$61.80?—A. I don't understand what you mean.

Q. Isn't it a fact that some of that \$61.80 he spent after you gave him the \$25?—A. Yes.

Q. How much of it?—A. Well, the difference between \$61.80 and \$25.

Q. Why do you say the difference? Why do you say that?—A. Because that is all he spent was \$61.80, and if I gave him the \$25 he would spend the difference.

Q. Did he have any of the \$25 spent before you gave him the \$25, or did he have anything spent at that time?—A. Before I gave him the \$25?

Q. Yes; did he have any of the \$25 spent from you?—A. Before he got it? No.

Q. Then he had no claim for any money spent before he got the \$25?—A. No.

Q. But he told you that he hadn't spent any money at all before he got the \$25?—A. He didn't say anything to me about it.

Q. Then you don't know whether he had spent any sum amounting to \$25 or less than \$25 when you gave him the \$25?—A. Well, if he had, it would have been on his expense account.

Q. I am asking you if you know whether he did or not?—A. Not by his telling me; it shows on his expense account.

Q. What did he say he wanted that \$25 for?—A. I don't know.

Q. Didn't he tell you what it was for? Didn't he tell you what he was going to do with it? What did you put down "political" for, then? You put it down in another book "political campaign," didn't you?—A. Yes.

Q. What did you put it down for?—A. It was probably for political work, but I don't know just for what it was spent.

Q. Didn't he tell you what he wanted it for, or that he had spent that amount previous to demanding it?—A. He didn't tell me he spent that amount.

Q. What did he say?—A. I don't know; only I suppose he said that he wanted \$25.

Q. I am not asking you what you suppose. Don't you remember what he said?—A. No; I can't remember what he said.

Q. You don't remember what he said? Now, please tell me if he was spending this money for Mr. Bowman, as you say he was, why you charged it to him? What did you charge it to him for?—A. Because all the money that we ever gave him we charged to his account.

Q. Did you charge the whole of this \$61.80 to his account that you say goes to make up the \$25. Answer that question yes or no. I want you to answer that yes or no. Have you charged this \$61.80 that you paid him there upon the books, the ledger?—A. This amount, this \$61.80, is included in this amount credited to his account.

Q. I am not asking you that. You paid him \$61.80. You say that whenever you gave him money you always charged it to him.—A. Yes.

Q. Now, show me where you have charged that \$61.80 that you say included the \$25, to him.—A. There is—October 1, \$50.

Q. Look at that book and see when you charged it.—A. That was the day when he received it. Where is the check book? [Witness refers to book.] September 29, C. B. 56, \$50.

Q. Does that go to make up the \$61.80? How do you make up this \$61.80? That is what I want to get from you. How do you make it up?—A. I don't understand what you mean by making it up.

Q. You have \$61.80 campaign expense; how is that made up, and how does it appear on your ledger as being made up?—A. I have an amount of \$2.80.

Q. You have nothing to show on your ledger for campaign expenses—\$61.80—have you?—A. It is included in this \$82.80.

Q. Have you anything on your ledger to show \$61.80 campaign expense?—A. The exact amount of \$61.80 isn't on.

Q. Have you got on this ledger there \$61.80 for campaign expenses?—A. Not in those words; no.

Q. Not in those words? Tell what words you have got it in, then?—A. In this \$82.80?

Q. Read what is on there until I see whether it is in the same words or not.—A. October 31, J. 114, \$82.80.

Q. What does "J" mean?—A. Journal.

Q. That is all you have to show it on the ledger is it?—A. Yes.

Q. That this \$61.80 is in it?—A. Yes.

Recross-examination by Mr. JONES:

Q. Referring again to the C. W. St. John account in the ledger, I wish you would look at the C. W. St. John expense account I show you, which has been

discussed here at this hearing and prior to this hearing. Mr. St. John sent that expense account into the office, did he?—A. Yes, sir.

Q. And it shows a total expense of \$82.80 for the month of October?—A. Yes.

Q. And one of the items as shown by his expense account which go to make up the \$82.80 is "Campaign expenses, \$61.80"?—A. Yes.

Q. I refer your attention again to this account, whether or not it says, "October 1, to balance on hand, \$7.80"?—A. Yes.

Q. That is the balance on hand for the preceding month?—A. Yes, sir.

Q. And not the expenses allowed him for the month?—A. Yes.

Q. The next item is "By cash, \$50," that is the check to which you just referred Mr. Lenahan?—A. Yes, sir.

Q. The next item "October 20, by cash, \$25," that is the item you say is included in the \$61.80?—A. Yes; \$25 which he got in cash.

Q. Now, you keep on this ledger a debit and credit side, two columns?—A. Yes.

Q. How do you enter his expense account as it comes into your office, on which side of this ledger?—A. Credit.

Q. Then the total amount of the expenses as shown by his expense account for any particular month would be posted to this C. W. St. John account in this ledger in one sum, showing his expenses for the month?—A. Yes, sir.

Q. And on the debit side of the book you post the moneys which from time to time you have advanced to him and which go to make up the total sum of his expenses?—A. Yes.

Q. In other words, Mr. St. John doesn't send in the total of his expense for any month and have a check for that total sum forwarded to him?—A. No, sir.

Q. But he has, from time to time, a right to draw on you through the office for certain sums of money as expenses?—A. Yes, sir.

Q. And when he files his account for any particular month he charges himself in his expense account with these advances? Or rather he credits himself with these advances?—A. Yes.

Q. And this \$25 which you have referred to and which is included in the \$61.80 is charged in the debit account or the debit side of this St. John account?—A. Yes, sir.

Q. But it was an advancement made from the office to him for the month of October?—A. Yes, sir.

Q. And he gave you credit in his account for that advance in the month of October?—A. Yes, sir.

W. H. HOLLISTER, called and sworn on behalf of contestant.

Examined by Mr. LENAHAN:

Q. Mr. Hollister, where do you live?—A. Avoca.

Q. That is in this congressional district?—A. Yes, sir.

Q. What ward do you live in?—A. The second ward.

Q. You are in the coal business?—A. No; sir.

Q. You were in the coal business?—A. Yes, sir.

Q. Are you acquainted with Mr. Bowman?—A. Yes, sir.

Q. You were connected with him in the coal business?—A. Yes, sir.

Q. In what particular colliery or operation?—A. The Avoca Coal Co.

Q. What business are you in now?—A. I am not doing anything much, but a little of everything.

Q. You are kind of retired?—A. Well, we have a store up there, my son-in-law and I sit around.

Q. You are a very close friend of Mr. Bowman?—A. We were partners for 18 years.

Q. In the coal business?—A. Yes, sir.

Q. You were very active in this campaign for Mr. Bowman?—A. Well, that is the way you look at it. I done what I could.

Q. How do you look at it?—A. I done all I could for him.

Q. You were more active than you usually were in politics?—A. Possibly so.

Q. How much money did you spend for Mr. Bowman, Mr. Hollister, all told?—A. \$500; that is, he sent me \$50.

Q. Did you spend any money other than what he sent you?—A. Possibly some of my own.

Q. When did he send you that \$50?—A. Well, it was the night before election or election morning.

Q. How much money did you spend altogether including the \$50 that he gave you election morning or the night before the election?—A. I spent \$50 of his.

Q. Well, you spent some of your own?—A. I don't know; I didn't keep any record of that.

Q. You can't say whether it was \$50 or \$25 that you spent?—A. Possibly along there somewhere; I don't know. I talked politics through the summer and spent some money likely. It takes some money if you talk politics; I don't know, and I don't want to know.

Q. Did you ask him for that \$50 that he sent you?—A. He telephoned me the night before and asked how things were going, and I told him that I understood that since Sunday meeting that they had filled the town up with money on the Democratic side. Before that he had often spoke to me and asked if I needed any money, and I told him that I would spend my own money.

Q. Answer the question. Did you ask him for any money?—A. I think he asked me how much he should send me, and I said that he should send me \$50.

Q. Just give me the names of the men to whom you paid that money?—A. I can, a part of it, and a part of it I can't. I gave Patrick O'Brien \$20 to hire—

Q. I will ask you for the purposes of it later. I want the names first. Who else?—A. Jin Hull, \$5; Blair—I don't know his first name; they call him—I gave Ben Webb \$5.

Q. Who else?—A. I can't say; the rest of it went in small dribs and got away from me.

Q. But you paid it out for political expenses, and not for any personal matter of your own?—A. Yes; sure.

Q. You paid it out to advance the campaign of Mr. Bowman?—A. Yes.

Q. Who is Patrick O'Brien?—A. He is a man who worked for me there for about 15 years.

Q. He worked in your mines, did he?—A. Yes, sir.

Q. What did he do in the mines?—A. He was a miner the most of the time.

Q. Was he a boss?—A. No, sir.

Q. What does he do besides mining?—A. That is his business.

Q. Do you know what he was doing around your mines?—A. Cutting coal; probably worked at company work or on contract.

Q. You said most of the time he was a miner?—A. He may have done some company work.

Q. You gave him \$20?—A. Yes, sir.

Q. You gave that to the man who worked in the mines for you?—A. Yes, sir; he used to work for me. I sold out some years ago.

Q. Patrick O'Brien is a Democrat, isn't he?—A. I don't know, but he votes the Republican ticket often.

Q. Don't he profess to be a Democrat?—A. I never asked him about his politics, and I don't know.

Q. Don't you know that he has run for office on the Democratic ticket?—A. I believe he was elected school director.

Q. On the Democratic ticket?—A. I believe it was the Citizens' ticket.

Q. He lives in the same ward with you?—A. No; he lives in Marcy.

Q. I am talking about that time. He used to live in Avoca, did he not? At the time that you gave him this \$20 he lived in Avoca?—A. No; he lived in Duryea. He lived just about on the line.

Q. You gave him \$20 to be used where?—A. To hire men.

Q. I didn't ask what it was to be used for, but to be used where?—A. To be used in the third district of Avoca and in the east district of Avoca—or I mean Duryea.

Q. To be used in the third ward of Avoca, is that right, and in the east district of Duryea?—A. Yes; I think they call it that.

Q. I will ask you the question again: That man you gave that money to was a Democrat, wasn't he, and run on the Democratic ticket?—A. I can't say; I know he voted the Republican ticket for Congressman some years ago, or, at least, he told me that he did.

Q. How many years ago is that?—A. Possibly 10 years ago.

Q. Did you ask him his politics?—A. I don't know that I did.

Q. How did he come to tell you that?—A. I know that he worked for the Republican Congressman.

Q. Who was he?—A. I don't think that I should answer that.

Q. Who was he?—A. John Leisenring.

Q. And you know that he was paid to work for him, don't you?—A. What?

Q. You know that he was paid for it, don't you?—A. I know that he got some, but how much I don't know.

Q. And that is the only time that you ever knew him to work, to be out for the Republican candidate, when he was paid by John Leisenring?—A. I don't know whether he was paid by John Leisenring.

Q. Didn't you pay him some?—A. Yes; but I didn't say that it came from John Leisenring.

Q. Then this money was paid him didn't come from John Leisenring; it came from you. You are the man who paid him, aren't you?—A. I think that I handled some of the money. I don't know whether it was Leisenring's, but it was Republican money. I don't know whether John Leisenring put it in or whether you put it in.

Q. What do you mean by that?—A. I say I don't know where it came from; whether Leisenring put it in, or whether you did or whether I did.

Q. Don't you know whether you put it in?—A. I gave something toward the campaign.

Q. And John Leisenring was a coal operator?—A. I think he was.

Q. Don't you know he was?—A. Yes.

Q. Tell me how much you paid this Democratic worker for the Republican candidate for Congress—Mr. Leisenring?—A. I don't know; I don't remember.

Q. You don't remember that either, do you?—A. No.

Q. Did you ever know this man O'Brien to work for a Republican, except on these two occasions when he worked for Bowman, the coal operator, and Leisenring, the other coal operator?—A. Yes; in borough matters there he is a pretty fair fellow, and tries always to vote for the best man, regardless of politics.

Q. I am not asking you that. I know he is a very fair man; he is a good man, I know, but he gets his boodle all the same. It is here on record.

Mr. BOWMAN. You will get that libel suit or that slander suit if you don't stop. I will give him all the money he needs to sue you.

Mr. LENAHAN. You haven't got all the money he wants, nor any five coal operators.

Q. He was paid at other times for working at the polls, but only got a small amount of money?—A. He was paid to get the vote out.

Q. He was paid to work at the polls, and only got a small amount of money?—A. That is all he ever got through me.

Q. \$5 and \$10 until this time when he got \$20?—A. He paid that all out and he told me about it.

Q. But he got \$20 this time?—A. Yes.

Q. That was more than he ever got before to your knowledge?—A. I don't know.

Q. You have testified here what it was?—A. I can't remember what it was; it was a small amount.

Q. Mr. Hollister, I will put the question to you again. Did you ever know him to work for a man running on the Republican ticket as a Republican, except on these two occasions, when you paid him—when Leisenring was running for Congress and when Bowman was running for Congress?—A. In borough matters, in borough matters; yes, sir.

Q. For the Republicans running on the ticket as the Republican ticket?—A. Sometimes.

Q. Tell me when he supported the Republican ticket?—A. I can't remember the dates.

Q. Did you ever know him to support the Republican ticket, running as a county ticket, or as a national ticket, except on those two occasions that you have testified to?—A. I don't know that I did; I don't know that anybody did.

Q. I will put the question to you again. You know that O'Brien is a Democrat?—A. We never talked politics except for borough matters or something of that kind, but I have known him to work and do the best he could regardless of politics, sometimes Republican and sometimes Democratic.

Q. You don't say that was—that he was not a Democrat?

Mr. JONES. He has already answered that.

Q. Answer that yes or no.—A. I can't answer it; I don't know.

Q. What is O'Brien doing now?—A. He is mining boss for the Pennsylvania Coal Co.

Q. A mine foreman?—A. Yes.

Q. For the Pennsylvania Coal Co.?—A. The Hillside; he was then; and I think he is now for the Pennsylvania; I think he has been changed.

Q. You mean that they are under the same management? They are both under the management of the Erie, aren't they?—A. Yes, sir.

Q. How long has he been mine foreman? About how long?—A. I should say four or five years.

Q. For the Pennsylvania & Hillside Coal and Iron Co.?—A. He has been for them; but I think he was for somebody else first.

Q. And when you paid him the \$20 he was a mine foreman?—A. Yes; I gave him that on election morning.

Q. Where did you meet him?—A. I can't say; I think probably in the drug store.

Q. Did you meet him by appointment?—A. I can't say.

Q. You know now, don't you?—A. No; I can't remember.

Q. You can't tell whether this man whose business you say was attending to the mines as a foreman for the Hillside, and who didn't live in the borough where you met him, you can't tell whether that man came to this borough or to Williams's drug store?—A. I think he came to my house the night before, and I gave him the money the night before, before I got it from Mr. Bowman.

Q. How did he come to your house?—A. I think we were at the drug store, and we went up the street together, and we talked about the matter, and I said I thought that we should have some workers in the upper part and in Duryea, where he lives.

Q. And then he went into your house? Did you ask him to come in?—A. I presume I did.

Q. Did you fix any amount before you went in?—A. Well, I don't remember. I gave him \$20 before he got out.

Q. You gave him \$20?—A. Yes, sir; to hire watchers or poll workers at the polls—helpers.

Q. Why didn't you hire the helpers yourself, and the watchers?—A. I wasn't acquainted in that ward. I didn't know who to hire. I didn't know the fellows who got out the votes best.

Q. You have lived there for how long?—A. 33 or 34 years.

Q. Have you run for office?—A. Never.

Q. You never took a very active part in local politics?—A. Yes; I done some political work.

Q. You thought the mine foreman knew the men to be selected better than you did; the men to be selected as watchers up there?—A. He lived in that district for some years and knew the men better than I did.

Q. Did you tell him how many watchers to employ?—A. I told him to get a couple in every ward.

Q. What is the third ward, a Democratic ward?—A. Largely.

Q. It is about three to one, isn't it?—A. I should presume about three or two to one.

Q. What was the vote cast up there for Bowman and McLean?—A. I really can't tell.

Q. Mr. Bowman got a majority, didn't he?—A. I think it was just a tie.

Q. Just a tie?—A. I think that was it.

Q. To whom else did you pay money to?—A. To Webb, \$5.

Q. What does Webb work at?—A. Mines.

Q. Where?—A. Sparrowville, No. 2, Old Forge.

Q. What company does he work for?—A. The Pennsylvania.

Q. How long have you known him?—A. Ever since he wore dresses.

Q. How long have you known him?—A. I have known him for 33 years or 34 years. We lived within a hundred feet or so of each other for years.

Q. Where did you give him the money?—A. I don't know, I think I gave it to him on the street.

Q. On election day?—A. Yes; in the morning, or maybe it was the night before, I don't know.

Q. What ward was he working in?—A. The second ward.

Q. Is that a Democratic ward?—A. It is, but it often changes. There are more Democrats than Republicans there as a usual thing.

Q. How did that go?—A. Thirty-five for Bowman.

Q. Who else did you give any money to?—A. Jim Hill.

Q. What does he do?—A. Teamster.

Q. What ward does he live in?—A. The first ward.

Q. What is he generally, a Democrat or a Republican, and how is that ward generally?—A. It is largely Democratic.

Q. How did that ward go?—A. It went Democratic.

Q. It did go, as between Bowman and McLean, for Bowman?—A. No; it went for Mr. McLean, I think. We got 35 in the whole ward, and the other wards balanced up. I think they just balanced.

Q. What you mean, then, is that Avoca borough came out about even between the candidates?—A. No; Mr. Bowman got 35; he got 35 in the one ward.

Q. He got 35 majority in the whole borough?—A. I think that is it.

Q. But that borough is usually Democratic two or three hundred, isn't it?—

A. I don't know how many—probably 150 or 200, I don't know.

Q. Who else did you give money to—that is, only \$30?—A. I can't account for the rest.

Q. Where did you put the rest?—A. In my vest pocket.

Q. Then you didn't pay that out?—A. Yes; I paid that out and more too.

Q. Will you tell to whom you paid it?—A. I can't tell.

Q. Can't you give us any idea?—A. No; we got a lot of fellows up there on the hill, that we can't coax or drag out to election.

Q. But you can buy them out.

Objected to.

A. No.

Q. You can't?—A. No. Mr. Bowman told me, if you can buy a vote for a dollar, and that vote will elect me, don't do it.

Q. Did I ask you that? If you answer the questions that I ask you we will get along better and you will be nearer the truth line too.

Objected to, both to the question and the answer, and the insinuation of the counsel for the contestant.

Q. Now, you gave particularly the talk that you had with Mr. Bowman; I ask you to give me the disposition of the balance of the money that you got from him.—A. I got several young fellows to go on the hill and haul the fellows out who never came out to vote.

Q. Will you give me the names of the men that you gave it to?—A. I can't. I put the balance of that money in my vest pocket, and it was gone at night, and a little more with it, and I used it to get the vote out.

Q. Will you answer the question? You have admitted that you spent more than \$50, and you have accounted for something in the neighborhood of \$25, and you say that some you spent was your own.—A. Not all on election morning.

Q. Now, Mr. Hollister, with that statement on the record will you tell to who else you paid money outside of these three men that you have mentioned here?—A. I can't.

Q. That is the best answer that you can give, is it? Tell us about how many men you paid out of this money in small amounts in addition to the three that you have mentioned.—A. I could not tell you.

Q. Was it 10?—A. Possibly.

Q. Ten or more?—A. Possibly.

Q. And you can't give us the name of a single one to whom you gave this money, is that right?—A. I might have bought some cigars, I don't remember. I got rid of the money easy. I worked all day myself, you know.

Q. Tell me the smallest sums of money that you gave, outside of this \$25 that you mentioned here?—A. I don't know, I may have given a dollar or 50 cents to get a boy to get some fellow.

Q. What boy did you give 50 cents to?—A. I don't remember.

Q. Was he grown up boy?—A. No; I don't remember.

Q. The truth is that you gave 50 cents or a dollar for their vote, didn't you?—A. You are a—

Q. The truth is that you gave a man 50 cents or a dollar for his vote, didn't you?—A. No.

Q. Then give me the name of the boy.—A. I can't tell you, it was four or five months ago.

Q. Can you tell me where the boy lived?—A. I don't remember them.

Q. You testified that there were boys that you gave the money to.—A. Well, now possibly I gave them a note for Shields or some of the others, and asked them if they wouldn't come down and vote for Bowman. I never saw the men afterwards.

Mr. LEAHAN. I insist that this witness shall answer my question.

A. You said you wanted the truth as to whether I bought votes.

Q. Never mind that. I am asking you questions properly within the line of my rights.

Mr. BOWMAN. I ask that the witness be allowed to answer the question that is put to him by counsel.

Q. I will put the question to you again and I want you to answer it. How old were those boys that you gave 50 cents and a dollar to?—A. I can't tell—15 or 18 years of age.

Q. And you sent those boys to voters did you?—A. Yes.

Q. What did you say to these boys, what was the message they were to deliver?—A. If they wouldn't come to the election and vote for Bowman.

Q. You said to the boys that you sent to the voter, the boys that you paid 50 cents and a dollar to?—A. No; I didn't say anything to them. I wrote a note to them asking them if they would come and vote?

Q. Tell me some of those men.—A. Jason Harris and the Carey boys.

Q. You wrote a note to Jason Harris?—A. Yes, sir.

Q. Where did you write that note?—A. Probably on my—

Q. Where did you write that note?—A. I don't remember.

Q. Do you know where that note is now?—A. No, sir.

Q. What did you say in the note?—A. I asked them if they wouldn't come out to the election and vote for Mr. Bowman.

Q. Did you say that in the note?—A. Probably I did, and probably I said be sure to come down to vote this afternoon.

Q. Tell me what you said to Harris?—A. I can't remember exactly what I said in detail, it was to the effect practically, if he would come out to the election.

Q. How much money in dollars and half dollars did you expend?—A. I don't know, but my money was gone when night come.

Q. I am not asking you that. How much, in sums of half a dollar and a dollar did you expend?—A. I don't know, I can't tell you.

Q. How many boys did you have?—A. I can't tell you.

Q. Nor can you give me the names of the boys?—A. No, sir.

Q. Do you know the boys?—A. I presume I do.

Q. I am not asking you presumably. I am asking you can you give me their names?—A. I probably know them.

Q. Can you say now, did you or didn't you know them, that is a very simple question?—A. I don't know whether I can give them by name or not. I know about every boy in town, but I might not be able to call him by name.

Q. Then as you saw boys passing along you would call them over to you and you would write a note and give it to them, the 50 cents or a dollar and tell them to carry that note to a person?—A. Some fellows I had out possibly gave \$2 to and they spent the afternoon.

Q. Who were they?—A. I didn't know that this was going to happen. I can't tell what I spent last week, I can't go to work and tell all those names.

Q. Tell me who they were?—A. I don't know.

Q. I am not asking you to tell me all those names, I am asking you to give me some of them. If you paid money to boys to deliver messages for you, I want to know who some of those boys were?—A. Well, I can't answer that.

Q. Did you pay any money to anyone else to spend for watchers or to secure watchers for you?—A. I gave out some to some of those fellows to get out and get the voters who were not in the habit of coming. I got several of them.

Q. Then you paid full-grown men to go out and bring voters in, did you?—A. No; young fellows.

Q. Were they voters?—A. No, sir.

Q. When I say men, I mean voters. Did you pay money to anyone outside of these three men you have mentioned here to pay watchers or to procure watchers here?—A. No.

Q. You did not?—A. No.

Q. Then your money was spent—the balance of your money was spent in giving dollars and two dollars to some parties who were under age to run out and bring in the voters?—A. Most of it went that way.

Q. But you can't give the name of a person to whom you gave that money?—A. No.

Q. And in that kind of work you spent \$20 to \$25 of your own money as well as \$20 of Mr. Bowman's money?—A. Yes, sir; before the election I spent my own money. I don't know how much it was, and I don't want to.

Q. What did you spend that money before election for?—A. Good you have been in politics long—

Q. Just answer my question, will you please Mr. Hollister, this is a pretty serious matter. Just tell me what you spent that money for?—A. Supposing we met in the drug store, a dozen fellows, we would get talking politics, and

of course I was talking for Bowman and when we got through take a box of cigars and pass it around.

Q. I will ask you again. I am not supposing anything. Tell me for what purposes you spent this \$25 and \$50 before election?—A. I have given you an illustration.

Q. I am not asking for that. I want facts.—A. I can't tell you.

Q. Then you can't tell what you spent \$1 of that money for?—A. No, but I can tell you that I didn't buy a vote or ask a voter to sell his vote. I never wanted a vote bad enough to buy it, and I never even suggested to a man that I would give him a cent for his vote.

Q. Did you spend any of this money on election day?—A. Yes; I think that I did.

Q. And you can't tell me what you spent \$1 of that money for?—A. No, sir.

Q. What did you spend that money for on election day?—A. I don't know, it got away from me.

Q. You don't know what for?—A. No; I was there all day and it takes some money to keep things going you know. I can tell you one thing that I didn't go in a saloon to spend any of it.

Q. Do you know Joseph Jennings?—A. Yes, sir.

Q. What is his business?—A. Superintendent of the Pennsylvania Coal Co., division superintendent I think.

Q. Did you see him on election day?—A. I don't remember that I did.

Q. Where does he live?—A. Moosic, Joe. Jennings lives in Moosic. I never talked politics to him in my life.

Q. He is a brother to William Jennings, isn't he?—A. Yes.

Q. Didn't you meet him in Avoca on election day?—A. Not to my knowledge.

Q. Would you remember if you had met him?—A. I think I would; I don't remember of seeing him. I never spoke to him on politics in my life that I remember of, not to the best of my knowledge. I never met him in any way, shape, or form in a political way. He may have been in town that day. He passes through often, but I don't remember his going by there. He wasn't around the polls, and I don't have any memory of ever talking politics to him.

Q. Did you ever ask O'Brien for an account of that money that you gave him?—A. Never.

Q. His districts, where that money was to be spent in, showed up big for Bowman, didn't they?—A. Not very.

Q. And you were satisfied with the showing in those districts, weren't you?—A. Well, I might as well be.

Q. You were satisfied with the showing in those districts, were you not?—A. Why, yes; I guess; I don't know how—I don't know how much vote they got, even in the upper ward in Duryea, but they got the voters out, and that was the object.

Cross-examination by Mr. JONES:

Q. You say that you and Mr. Bowman were associated in the coal business as partners for 18 years in Avoca?—A. I think so; yes, sir.

Q. Whether or not, to your knowledge, Mr. Bowman was well acquainted in Avoca?—A. Fairly well; he was known of thoroughly.

Q. He came there during that time mostly every day when you were associated?—A. Usually evenings when home; probably two or three times a week. Sometimes there was a week that he did not come there.

Q. When he was at home he was up there every week?—A. Usually came up in the evenings about 6 o'clock.

Q. And that you say you gave O'Brien \$20?—A. Yes; \$10 to pay two poll men.

Q. It was to pay, as I understand, two poll men in one ward of the borough of Duryea and two in one ward of the borough of Avoca?—A. That is the way.

Q. The boroughs of Duryea and Avoca adjoin?—A. Yes.

Q. And he lives in the particular ward in Duryea where he was to employ the poll men?—A. Yes.

Q. The particular point of his residence is within 100 feet of the borough line, of the borough of Duryea?—A. Yes, about; I didn't measure it.

Q. He wasn't in your employ?—A. No.

Q. You don't employ any men now?—A. No.

Q. So that consequently none of the men that you gave the money to were in your employ?—A. No.

Q. But you saw a great many men? It is difficult to get the voters out at your polls?—A. Yes, sir.

Q. You can't recall to whom you gave this money, but you think to boys and young men only, and you would send them out to the men and ask them to come out and vote?—A. Yes, sir.

Recross-examination by Mr. LENAHAN:

Q. You know Joe Jennings?—A. Yes, sir.

Q. He is superintendent of what company?—A. The Penna.

Q. What territory?—A. He has charge of Old Forge, the Seneca, and the Hillside.

Q. And where is O'Brien foreman?—A. I think he was at the Hillside then, but he has been changed after that time.

Q. And Jennings was his superior?—A. Yes; but I never talked to Jennings and never saw him.

Q. This Jennings is a brother of William Jennings?—A. Yes.

Q. The man who was sworn here as a witness?—A. I don't know.

Q. William Jennings is also superintendent for the Penna?—A. Yes; in the lower district.

Q. Around Port Griffith?—A. In the lower district some place. He has charge of No. 14, I guess.

WILLIAM DYKINS, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. You live in Nanticoke?—A. Yes, sir.

Q. You were an election officer in what ward at the last election?—A. The eleventh ward.

Q. Of the borough of Nanticoke?—A. Yes.

Q. Were you an inspector?—A. Minority inspector.

Q. I wish you would go on and state whether any votes were cast for McLean upon the Keystone ticket for Congress, and what, if anything, was done with these votes by the board in counting the return.—A. In the first place, we came across two straight Keystone tickets, which the law, as explained to me, is that a man is privileged to vote for one man for each office. There were two parties marked McLean for Congress. When we came to get the votes out at night there was two watchers; one I know is a watcher, but I didn't know that he had money from Bowman until I saw it in the paper, and they told me the law would not allow me to call it off, and they wrangled over that for a half hour, and finally they overpowered me and those votes were thrown out.

Q. They were not counted and returned?—A. No; which I claimed was a legal vote for him. If it was Bowman it would have been the same thing.

Q. Who were the watchers?—A. Edward Humphreys and Thomas Hill.

Q. Who were they?—A. He was the constable, Ed. Humphreys.

Q. He was professing to act as a watcher and he interfered with the vote?—A. Yes, sir.

Cross-examination by Mr. JONES:

Q. With the exception of these two votes, every vote was counted as cast?—A. Yes, sir.

Q. And the men who voted on these particular Keystone tickets, there was a mark opposite "Keystone" in the Keystone column, and the voter also made a mark for Mr. McLean's name in the Democratic column?—A. Yes.

Q. They were put in the ballot box?—A. Yes.

Q. They are in there now?—A. Yes; and we counted every one but these two, and they are marked so that I could pick them out.

Mr. LENAHAN. Mr. Bowman, we will let you go this afternoon if you wish, and you may take your books with you, and you won't be obliged to bring them here again, as far as I know now, unless something develops in the testimony of Mr. Davis that, in our judgment, would require the presence of your books here at some other hearing, of which we will give you ample notice. Is that satisfactory to you?

Adjourned until 2 p. m.

Hearing resumed at 2 p. m., pursuant to adjournment.

Counsel for contestant offer in evidence the following notice of hearing and list of witnesses:

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee (or Hon. FRANK WHEATON or EVAN C. JONES, Esq., his attorneys):

You are hereby notified that on Saturday, March 11, 1911, at 10 o'clock in the forenoon, at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournment may be taken, and such other witnesses as may hereafter be subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the city of Wilkes-Barre, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows: William Dykens, Nanticoke, Pa.; W. H. Hollister, Avoca, Pa.; David T. Davis, Wilkes-Barre, Pa.; Charles B. Smith, Pittston, Pa.; Isaac Edwards, Nanticoke, Pa.; John Carney, Kingston, Pa.; William J. Trembach, Kingston, Pa.; Peter Quinn, Wilkes-Barre, Pa.; Matthew Long, Hazleton, Pa.; Thomas Devey, Wilkes-Barre, Pa.

GEORGE R. MCLEAN, *Contestant.*

Service accepted March 9, 1911.

EVAN C. JONES,
Counsel for Contestee.

CHARLES B. SMITH, called on behalf of contestant and duly sworn.

Examined by Mr. LENAHAN:

Q. Where do you live?—A. Pittston.
Q. What is your position?—A. Register of wills of Luzerne County.
Q. How long have you been register of wills?—A. Two years, about.
Q. What was your occupation before that?—A. Deputy treasurer.
Q. Of Luzerne County?—A. Yes sir.
Q. You were paid money to pay some parties during this last political campaign in the canvass for Congress. I wish you would tell me how much you got, and from whom you got it.—A. I got \$115 from Gomer Morgan, chairman of the third legislative district, and \$30 from Jonathan Davis.

Q. When did you get the money from Morgan?—A. Probably before election.
Q. When did you get the \$30 from Jonathan R. Davis?—A. The following Saturday after the election.

Q. The Saturday after the election?—A. Yes.
Q. Did you get any money from Jonathan R. Davis before election?—A. No, sir.

Q. Tell us what you did with the \$115.—A. Employment of poll man through the city of Pittston and the borough of Hughestown.

Q. To whom did you pay that money?—A. In Hughestown borough employed three Republican watchers, David B. Williams, William Fairclough, and Grant Harkner.

Q. How much did you pay them?—A. \$5 apiece.
Q. What does Fairclough do?—A. A miner at No. 10 shaft.
Q. For what company?—A. The Pennsylvania Coal Co.
Q. What did you pay Fairclough?—A. \$5.
Q. What does he do?—A. He is employed about the breaker.
Q. Is he a breaker boss?—A. No, sir; I think not.
Q. For what company?—A. The Hillside Coal Co.
Q. What was the name of the other man?—A. David P. Williams; he is a miner at No 10.

Q. For whom does he work?—A. For the Hillside Coal & Iron Co.
Q. Give us the name of the other men that you paid money.—A. First ward, Pittston, Henry Nolles.

Q. He is a courthouse official?—A. Tipstave in the courthouse.
Q. To whom else?—A. In the second ward we had no watcher. We had in the third William Winters and Enoch Evans.

- Q. What does William Winters do?—A. He is a clerk for J. E. Patterson & Co.
- Q. What does the other man do?—A. He does nothing; he lives on his money.
- Q. Go on.—A. In the fourth I employed three watchers—Charley somebody, I have forgotten his last name—Abel Binon, and James Wood.
- Q. What does Binon do?—A. When he is working, he is a druggist.
- Q. Is he the squire?—A. No; he is a brother of the squire, a young fellow about 23.
- Q. What does Woods do?—A. He is a machinist for the Cyclone Machine Works.
- Q. Go on.—A. In the fifth ward Howell Williams and George Stahl.
- Q. What does Williams do?—A. He is in the recorder's office, the transcribing office.
- Q. What does Stahl do?—A. He is fire boss in No. 6 colliery of the Hillside Coal & Iron Co.
- Q. The next?—A. In the sixth ward, first district, I gave \$10 to Bert Smiles; he employed some young fellow I don't know.
- Q. What does Bert Smiles do?—A. He is a merchant in Pittston; he had two watchers there.
- Q. Do you know who they were?—A. He was there himself, and another fellow—I don't know his name.
- Q. Go on.—A. In the sixth ward I had three watchers.
- Q. Go on?—A. In the sixth ward I had three watchers.
- Q. How much money did you pay them?—A. Five dollars apiece.
- Q. Who were they?—A. Eugene Smith; he is a clerk in the Barnum Coal Co. office; a shipping clerk.
- Q. Who operates the Barnum Coal Co.?—A. The Hillside Coal & Iron Co. and James Gunsinger, constable.
- Q. Was he a constable at that time?—A. I don't think he was, at that time.
- Q. Did you say his name was James Gunsinger?—A. No; Jake Geisinger.
- Q. Do you know what he does?—A. No.
- Q. Who else?—A. Warren Richmond.
- Q. What does Richmond do?—A. Blacksmith.
- Q. For whom?—A. Whatever he picks up around town.
- Q. He is working on his own account?—A. Yes, sir.
- Q. Go on.—A. In the seventh ward I employed two watchers.
- Q. Who were they?—A. J. H. Keist and a Jew there, a Republican.
- Q. In the eighth ward?—A. We had two watchers.
- Q. You paid \$5 to each one of them?—A. Yes, sir. In the eighth we had Tom Kelly, Republican.
- Q. What does he do?—A. He works for the Citizens Electric Light Co.
- Q. Who else?—A. There is a railroader there; I have forgotten his name; lived on Pine Street. I can't think of his name.
- Q. Is his name Gallagher?—A. No.
- Q. Now, the next ward?—A. In the ninth ward, Edward Smith.
- Q. Who is he?—A. He works in the register of wills office.
- Q. Who else?—A. In the tenth ward, I had three watchers, Sidney Parry.
- Q. What does he do?—A. Barber.
- Q. Who else?—A. Ed. R. Evans.
- Q. What does he do?—A. Janitor at the school on Welsh Hill, and Myrick Jeffries; he is a committeeman in Pittston. Then I had a carriage in there, and paid a fellow \$2.50 to put the carriage in.
- Q. The next ward?—A. The eleventh ward, William Dendle and Ephriam Jones.
- Q. What does he do?—A. He is a miner. Dendle is a marble cutter.
- Q. Jones works for what company?—A. Hillside Coal & Iron Co., and I had a carriage in there, \$2.50.
- Q. Where else did you spend any money?—A. Nowhere else.
- Q. When did Davis give you the \$30?—A. I think on the Saturday before election—I mean after election.
- Q. Where?—A. In his office in the Second National Bank Building.
- Q. Did he pay you in cash?—A. He gave me a check.
- Q. On what bank?—A. The Wilkes-Barre Deposit and Savings Bank.
- Q. You were up in Pittston Township on the morning after election, were you not?—A. Yes, sir.
- Q. About 3 or 4 o'clock you went there?—A. Yes; about half past 4; half past 4 until 7.

- Q. Who was with you?—A. Jonathan R. Davis.
 Q. Who else?—A. No one.
 Q. Was Bowman with you?—A. His chauffeur was there; he was not there.
 Q. He sent his chauffeur there?—A. Yes.
 Q. And you went in his machine?—A. Yes, sir.
 Q. Where was it that you represented yourself, or any one of your party, as being the sheriff or the deputy sheriff?—A. Nowhere that I represented that.
 Q. You, or anyone with you?—A. I think the suggestion was made in the Brownstown district—no; in the Dupont district—to the judge of election there, that this was Sheriff Davis, and that he had come up for the returns.
 Q. Who told him that he was Sheriff Davis?—A. I don't know whether he or I told them.
 Q. But one of you said it? To whom was it said that he was Sheriff Davis?—A. It was said, I believe, to the wife of the judge of election.
 Q. Where was the judge of election at that time?—A. I don't know.
 Q. Well, he wasn't sheriff, was he?—A. No.
 Q. He wasn't sheriff at that time?—A. No; he wasn't Sheriff Davis.
 Q. Who was talking to the wife at the time, you or he?—A. Both of us together.
 Q. Was there anyone else talking?—A. No; not to my knowledge.
 Q. Then who was it said that he was Sheriff Davis?—A. I think he did.
 Q. That was what time?—A. That was after the whistles had blown 5.
 Q. It was after 5 o'clock?—A. Yes, sir.
 Q. Between 5 and 6?—A. Surely, if it was after 5.
 Q. And it wasn't daylight?—A. Not very far from it.
 Q. Did you see the Judge when you went up there?—A. I saw him after that.
 Q. How long after that?—A. Probably five minutes.
 Q. Where was he when you informed his wife that this was Sheriff Davis?—A. I don't know; he was somewhere around the house. We hadn't seen him at that time.
 Q. He was announced as Sheriff Davis before you got into the house?—A. We were not in the house.
 Q. The door was locked when you got there?—A. Yes.
 Q. And you kicked at the door?—A. No, sir.
 Q. And before the door was opened it was announced that he was Sheriff Davis and he wanted the returns?—A. The door was not opened at all.
 Q. Who rapped at the door?—A. I think I did.
 Q. Where was the wife?—A. She was in bed, I judge, for in a little while she came and opened the window.
 Q. Overhead window, or was it on the same floor with the door that you were attempting to get into?—A. Yes, sir; that we rapped at.
 Q. And she said "Who is there?" and the response you made was "Sheriff Davis"?—A. I don't know; it may have been I said it.
 Q. "And he wants the returns"?—A. I think so; yes, sir.

Cross-examination by Mr. JONES:

Q. What time that night did you and Mr. Davis go to the township of Pittston?—A. I met Mr. Davis at 3 or 4 o'clock in the morning. I left Wilkes-Barre at 2, and when I got to Pittston the night watchman at the Laurel Line station told me that Mr. Davis or somebody had telephoned from Wilkes-Barre and I was to call up the Wilkes-Barre Record office at once, and I called them up and whoever was there said that Jonathan Davis would be up on the next car and for me to go and waken Mr. Bowman; that the returns had been returned from the Hazleton region, and that Mr. Bowman had been elected, and we must get the returns from Pittston Township district.

Q. The returns at that time had not all been telephoned in to the Record office?—A. No, sir.

Q. You wanted, then, to ascertain what the returns were, and made the trip for that purpose, to learn what the returns were in the township?—A. Yes.

Q. And you went to several officers of the various election districts and merely asked them the returns?—A. Yes; that is all.

Q. And they gave them to you?—A. Yes.

Q. Why did you do that?—A. In order to get the returns. They feared they might be juggled and not returned till the afternoon following.

Mr. LENAHAN. You wanted to get the returns so that some one else wouldn't juggle them; is that it?

A. So as to have the return; yes, sir.

Mr. JONES. When you asked the judge of election for the returns, you don't mean that you got the papers—his papers?—A. No, sir.

Q. You asked him what the return was, what the vote was that was cast for Mr. Bowman and Mr. McLean?—A. We first inquired concerning the other candidates—Tener, and Berry, his opponent—and he gave us that; and we asked him if he could give us the vote for Congressman. I think that representations were made that we were particularly interested in Tener's fight, rather than in the congressional fight.

Mr. LENAHAN. If you were up there on a lawful mission, why was it necessary for either you or Davis to announce him as sheriff?

A. It was a perfectly lawful mission.

Q. Then why was it necessary to announce his as sheriff?—A. Because we believed that the members of the election board, perhaps, would not give us the returns in that particular case.

Q. Then you were attempting to get the returns by false pretenses?—A. To that extent I judge we were; yes.

W. J. TREMBATH, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. Mr. Trembath, you are a practicing attorney of Luzerne County?—A. Yes, sir.

Q. And have been for how many years?—A. Twenty-odd years.

Q. Were you during the campaign of 1910 identified with the political movement known as the Keystone Party?—A. Yes, sir.

Q. Were you a member of the county committee of that party?—A. Yes, sir.

Q. What was the position you held?—A. Treasurer.

Q. Were you present at a meeting of the county committee of the Keystone Party held at the Hotel Sterling at which Mr. C. C. Bowman, the Republican candidate for Congress, and Mr. George R. McLean, Democratic candidate for Congress, upon invitation of the committee to appear before them, appeared before the gentlemen of that committee?—A. Yes, sir, I was there.

Q. Do you recall a statement concerning campaign expenses made by Mr. C. C. Bowman at that committee during the interview before them?—A. I have some recollection.

Q. What if anything was—

Mr. JONES. Any statement made by Mr. Bowman at this or at any other meeting is objected to unless it pertains to moneys already spent in the campaign. Secondly, for the reason that there is no notice of such intended proof on behalf of this contestant in his notice of contest.

Q. I will direct your attention specifically to the remark alleged to have been made by Mr. Bowman concerning the bath, and ask you if you recall a conversation of that character in his statement?—A. Yes, sir.

Q. Can you state the circumstances of his remarks to the committee that lead up to that statement?—A. My recollection is that Mr. Smith—Ernest G. Smith—chairman of the meeting, interrogated Mr. Bowman as to the alleged expenditures of seven or eight thousand dollars in connection with his campaign for the nomination, and that he had admitted that he had spent such an amount, placing it in the hands of his chairman, Jonathan R. Davis, and that in that connection he said, "When C. C. Bowman took a bath it wasn't a foot bath, but an all-over plunge."

Q. Do you recall whether that statement made by Mr. Bowman was repeated to the committee at the time as being part of a statement he had previously made to Mr. Davis?—A. I don't recall that.

Cross-examination by Mr. JONES:

Q. What are your politics ordinarily and generally?—A. I have been independent chiefly of both parties.

Q. For how long?—A. Always.

Q. Aren't you known as a Democrat?—A. I might be.

Q. Haven't you served on the Democratic county committee?—A. No, sir.

Q. Haven't you represented yourself to be a Democrat in national politics?—

A. In national politics, yes.

Q. But in State and county politics you are independent?—A. Yes, sir.

Q. And you have been such for some time?—A. Always.

Q. Did George R. McLean make any statement at that assembly as to his campaign expenses?—A. I don't recall.

Q. Was he asked?—A. I don't think that he was.

Q. Were you interested in Mr. McLean's election?—A. I should have been very glad to see him elected.

Q. Were you interested in his behalf at the election?—A. I took no active part.

Q. Did you spend any money for him?—A. No, sir.

Q. Did you spend any money for anyone at the election?—A. No.

Q. Did you handle any money for anyone at the election?—A. No, not in that sense. I was treasurer of the Keystone Party and I paid out checks on the authority of the committee.

Q. But you received no money from Mr. McLean or anyone in his behalf?—A. No, sir.

Q. You don't mean to say that your recollection is clearly distinct as to the exact language that he used down there?—A. I won't say so.

Q. And in a general way you are attempting to recall what happened?—A. Yes.

FULLER HENDERSHOT, called on behalf of the contestant, and as the commissioner started to swear him he was withdrawn from the stand by Mr. Lenaham.

Mr. JONES. Counsel for contestee objects to the witness now called, Fuller R. Hendershot, being withdrawn from the stand after the commissioner had partly administered the oath to him.

MATTHEW LONG, called on behalf of contestant and duly sworn by Commissioner Turner:

Examined by Mr. JENKINS:

Q. You are a resident of the city of Hazleton, this county?—A. Yes, sir.

Q. And you have lived there how long?—A. About 29 years.

Q. What is your business?—A. Insurance agent.

Q. You were a member of the Keystone committee that the previous witness has testified about?—A. Yes, sir.

Q. Were you present at the meeting of the county committee of the Keystone Party held at the Sterling Hotel to which Mr. Trembach previously testified?—A. Yes, sir.

Q. Did you hear a statement made to that committee by C. C. Bowman, the Republican candidate for Congress?—A. I did.

Q. Will you please state, Mr. Long, as to the remark made by C. C. Bowman relative to the money he had spent, and his willingness to spend it, and the circumstances leading up to it.

(Objected to as leading. This question is objected to, first, as to the matter of the form, because it assumes an answer; second, because there is no evidence of this intended proof in the notice of contest; third, because a portion of the testimony relates as to the expenditures of the money than at the primaries, which are not properly within the scope of this inquiry.)

A. If I understand the question you want me to tell you in a general way, is that it?

Q. Yes; what he said.—A. Well. Mr. Bowman appeared before that committee and said he was very desirous of having the indorsement of the Keystone Party, as I recall, and then Mr. Bowman was then asked some questions in that connection as to his attitude toward the Keystone Party, and my recollection is of his word, that he said that he had always been independent. Then Mr. Trembach or Chairman Smith, I am not positive as to which of them it was, called Mr. Bowman's attention to statements that had been made to his actions in the primary election and the spending of some seven or eight thousand dollars for the primary-election expenses, a portion of which had been to help the machine candidates, and Mr. Bowman said he had put that matter in the hands of Mr. Davis, Jonathan R. Davis, the chairman, and that it was not his affair how Mr. Davis had disposed of that money, or some words to that effect, it might not have been his exact words, but words to that effect.

Q. What, if anything, did he say as to the amount had been expended?—A. Mr. Bowman said, as I recall it, stated that it would probably approximate that amount.

Cross-examination by Mr. DANDO:

Q. What amount?—A. \$7,000 or \$8,000. Mr. Bowman was then asked whether he meant to carry his assistance in the general election to these candidates, that we regarded as machine or organization candidates, and that if he did that would be at variance with the principles of the Keystone Party, and Mr. Bowman replied that he was on the ticket with those people and regardless of what they were or who they were he was going to stand by them. Then, as I recollect, Mr. Bowman said—well he related a conversation he had with Mr. Davis at sometime prior, I guess it was prior to the primaries, if I recall, in which a conversation occurred between Mr. Bowman and Mr. Davis as to Mr. Davis taking charge or something of that kind and the probable cost of it, and my recollection is that Mr. Bowman repeated his desire that he very much desired to have the Keystone nomination, and then he said, with a great deal of emphasis, that he was in this thing to win, and that he was going to win, that when C. C. Bowman went to take a bath he didn't stop with a foot bath, but took the whole thing, or something to that effect.

Q. And he did win, didn't he? Didn't he win?

Mr. LENAHAN. No.

Q. What is your answer to that question?—A. Well, I don't feel that I am in a position to answer that question. It is a disputed question, as I understand it.

Q. You have been a life-long Democrat, have you not?—A. Well, so to speak; yes, sir.

Q. And you have been a candidate for office on the Democratic ticket, have you not?—A. Yes, sir.

Mr. LENAHAN. A good many years ago, isn't it?

A. Yes; I held office under the Democratic ticket, and I am elected by my Republican neighbors in a ward a hundred Republican.

Mr. JONES. In other words, Republican and Democrats do, in this county, vote for their neighbors occasionally, regardless of party?—A. Occasionally I have done it.

FULLER HENDERSHOT, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Where do you live?—A. Plymouth.

Q. What is your business?—A. Blacksmith.

Q. You have a blacksmith shop in Plymouth?—A. Yes, sir.

Q. That is a borough within 3 or 4 miles of Wilkes-Barre?—A. Yes, sir.

Q. During the canvass of 1910, the general election, state whether or not C. C. Bowman was down to your shop soliciting your support in procuring for him the Keystone indorsement?—A. Yes, sir.

Q. What was your connection with the Keystone Party?—A. The whole party?

Q. Yes; the party in the State.—A. Well, I am a member of the executive committee, a member of the State committee, and a member of the Luzerne County committee.

Q. About when was it that he went to see you?—A. Well, it was in the early part of the campaign before or right after they were organized.

Q. Right after the Keystone Party was organized?—A. Yes, sir.

Q. The Keystone Party was organized after the Democratic and Republican State conventions were held?—A. Yes, sir.

Q. How often was he to see you?—A. I think he was there a couple of times.

Q. Now, I wish you would go on and state in your own way what, if anything, he said about the matter of money he was ready to spend in order to secure this election to Congress.

Mr. JONES. Objected to, for the reason that no notice of this intended proof along this line is contained in the notice of contest. Secondly, for the reason that what Mr. Bowman said, if he said anything, as to what he was willing to spend can possibly have any bearing upon this issue, the only question here being what he did spend actually, and if he spent it legally.

Mr. LENAHAN. This is offered for the purpose of corroborating the evidence already in and further produced that the contestee spent large sums of money unwarrantedly and illegally.

Q. Go on now.—A. Well, Mr. Bowman always put a great deal of stress on the fact that he thought if I would consent he would be indorsed by the Keystone people, but I told him that I was only one member of the committee and only had 1 vote, and I asked him this: "Mr. Bowman, if you will say this to me that you are against the gang, it don't make no difference whether the Keystone people indorses you or not, I will be for you." I said, "If you or anybody else expects to go to Congress, or if anybody expects to go to the legislature with a Heffernan tag on you, you will be fooled like hell, as far as I am concerned." Then he said, "I am as good a fighter as you are. I will spend \$30,000. I am opposed to this gang, the same as you are, and it don't make no difference whether I am elected or not, I am in politics, and I am willing to spend \$5,000 a year to clean up the corruption in Luzerne County."

Q. He knew your attitude was always against corruption in politics in Luzerne County from the talk that you had?—A. I don't know what he really thought.

Q. I say that he knew that from the talk?—A. He knew very well that I was against the gang.

Q. And you told him so, too?—A. Yes, sir; you bet I did.

Cross-examination by Mr. JONES:

Q. Did he call the first time of his own volition?—A. I never sent for Bowman.

Q. Did you send for him the second time?—A. I never sent for him at all. He called there, upsetting the town, and I presume he called there the same as anybody else would.

Q. Did you visit his home?—A. I was never in his place. I don't know where Mr. Bowman's place is.

Q. Did you ever see him in Pittston?—A. It does seem to me possible that I was going by there, and I went in for a few minutes. I went in there one night. I won't say when it was, but I think I knew the boy, and asked if his father was in and he said yes, and I went in the house.

Q. And you talked in a general way politics?—A. Not much politics.

Q. But he told you that he was willing to spend \$5,000 to clean up the corruption in Luzerne County?—A. Yes.

Q. And he impressed you as a man who meant what he said, didn't he?—A. I have nothing against Bowman; I believe he means what he says.

Mr. LENAHAN. Does he say what he means?

A. Well, I am not—not very well acquainted with Mr. Bowman; I never met him only there in the shop.

Mr. JONES. If we want you at some future time, how can we reach you?—A. Anyway by phone.

Q. You will come any time within the next 10 days without a subpoena?—A. I will tell you if you will give me a day or so time.

Mr. JONES. At the last meeting Mr. Davis, the county chairman, refused to produce his checks and stubs, excepting in two books, which were then produced. We did notice at the time that the first check in that check book produced was dated October 5, 1910, whereas the first money that was paid Mr. Davis was October 3, 1910. Mr. Davis will produce at the next hearing his checks for his personal account back to and including September 16, which was four days prior to his election or selection as county chairman.

Adjourned until 10:30 a. m. Monday, March 13, 1911, to meet at the prothonotary's office, courthouse, Wilkes-Barre, Luzerne County, Pa.

MONDAY, MARCH 13, 1911.

Hearing resumed at 10:30 a. m. in the prothonotary's office, courthouse, Wilkes-Barre, Pa., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John E. Jenkins, Esq., counsel for contestant; Arthur L. Turner, contestant's commissioner, Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., contestee's commissioner.

ELIAS COHEN, called on behalf of contestant, and duly sworn.

Examination by Mr. JENKINS:

Q. You are a resident of the city of Wilkes-Barre?—A. Yes.

Q. And you are one of the attachees of the court of Luzerne County?—A. Yes, sir.

Q. The prothonotary has been subpoenaed to produce the election returns as recorded in the prothonotary's office. I will ask you whether you have produced those returns, pursuant to that subpoena?—A. I have the book which holds a copy of the returns as read off and tabulated before the judges in open court, and certified by the judges; yes, sir.

Q. And in compiling these returns you have acted?—A. I have had charge of it.

Q. Will you turn to the election returns for the election held November 8, 1910? What is the total vote polled in Luzerne County at the election held November 8, 1910?—A. The total number of votes cast was 33,652.

Q. How many votes were returned and recorded as having been cast for C. C. Bowman on the Republican ticket?—A. 13,661.

Q. How many votes were returned and recorded as cast for Mr. C. C. Bowman on the Prohibition ticket?—A. 722.

Q. How many votes were returned and recorded as cast for Mr. George R. McLean on the Democratic ticket?—A. 13,834.

Q. What is the plurality or majority? What is the plurality shown by the aggregate vote of Mr. Bowman?—A. There is another vote—on the Keystone ticket C. C. Bowman received 1. You would have to put that in to get the plurality. As I make it, the plurality of C. C. Bowman is 550.

Q. Who was the Republican candidate for governor at the election of 1910 and what was the total vote cast for him in Luzerne County?

(Objected to as immaterial and irrelevant to this issue.)

A. John K. Tener was the Republican candidate for governor, and he received 12,389 votes.

Q. Is that the total vote in the county?—A. No; that is his vote on the Republican ticket, and he received on the Workingman's League 310 votes, making his total vote in the county 12,699.

Q. Who was the Democratic candidate for governor and what was his total vote?—A. Webster Grimm was the Democratic candidate for governor, and he received 3,444 votes.

Q. Who was the Prohibition candidate for governor, and what was his total vote?—A. The Keystone candidate for governor was William H. Berry, and he received 15,265 votes. M. A. D. Larkin was the Prohibition candidate for governor, and he received 242 votes. John W. Slayton was the Socialist candidate for governor, and he received 1,034 votes. George Anton was the independent candidate for governor, and he received 43 votes; and that is all.

Q. Will you give the total vote cast for Mr. C. C. Bowman as the Republican candidate for Congress and also the Prohibition candidate for Congress, and the total vote cast for George R. McLean, the Democratic candidate for Congress in the borough of Freeland?—A. Six wards in Freeland, making a total vote of 486 for Bowman, 269 for McLean.

Q. In like manner give the vote in the first ward of the borough of Ashley. A. The first ward in the borough of Ashley is in the second legislative district. The first ward of Ashley shows 172 Republican, 13 Prohibition, and 90 for McLean, Democratic.

Q. A total of 185 for Bowman and 90 for McLean?—A. Yes.

Q. In like manner give the borough of Avoca.—A. The total vote is 204 for Bowman, 170 for McLean.

Q. How many wards in Avoca?—A. Three wards.

Q. Give Avoca by wards.—A. In the first ward, 48 for Bowman, Republican, none on the Prohibition, and 39 for McLean, Democratic. In the second ward, 95 for Bowman, Republican; 14 for Bowman, Prohibition; 75 McLean, Democratic, I mean Bowman. In the third ward, Bowman, Republican, 47; Prohibition blank; McLean, Democratic, 56.

Q. In like manner give the vote in the city of Pittston in the several wards of the city of Pittston.—A. First ward: 22 Republican, 1 Prohibition, 35 Democratic; second ward: 17 Republican, none Prohibition, 37 Democratic; third ward: 29 Republican, 1 Prohibition, 43 Democratic; fourth ward: 71 Republican, 2 Prohibition, 67 Democratic; fifth ward: 26 Republican, none

Prohibition, 75 Democratic; sixth ward, first precinct: 60 Republican, 4 Prohibition, 65 Democratic; sixth ward, second precinct: 60 Republican, 1 Prohibition, 26 Democratic; seventh ward: 77 Republican, 2 Prohibition, 94 Democratic; eighth ward, 21 Republican, none Prohibition, 41 Democratic; ninth ward: 37 Republican, 2 Prohibition, 33 Democratic; tenth ward: 124 Republican, 5 Prohibition, 39 Democratic; eleventh ward: 52 Republican, 3 Prohibition, 50 Democratic. There are eleven wards and 12 districts in the city of Pittston.

Q. What is the total?—A. Five hundred and sixty-nine Republican, 21 Prohibition for Bowman, a total of 617; and a total of 605 for McLean, Democratic.

Q. You have given the vote in Pittston?—A. Yes.

Q. Give in like manner the vote in Pittston and Avoca, the vote for the candidates for governor on both the Republican and Democratic tickets. In Avoca—A. In the first ward, Tener, Republican, 46; Grimm, Democrat, 10; Berry, Keystone, 34. Do you want the Prohibition and Socialist?

Q. We want the Socialist.—A. Larkin, Prohibitionist, 1. Second ward, Tener, Republican, 44; Tener, Workingman's League, 2; Grimm, Democrat, 12; Berry, Keystone, 44. Total, Tener, Republican, 158, and Tener, Workingman's League, 3; Webster Grimm, Democrat, 40; Larkins, Prohibition, 8; Berry, Keystone, 163.

Pittston City.

Wards.	Tener.		Grimm, Dem- ocrat.	Larkin, Pro- hibition.	Berry, Key- stone.
	Republican.	Workingman's League.			
First.....	29	1	15	.....	21
Second.....	23	.....	18	.....	14
Third.....	31	.....	18	1	28
Fourth.....	72	3	31	.....	37
Fifth.....	80	.....	9	.....	14
Sixty-first precinct	57	3	30	.....	56
Sixty-second precinct	45	1	11	1	37
Seventh.....	70	4	20	1	78
Eighth.....	10	.....	17	.....	43
Ninth.....	29	1	13	.....	33
Tenth.....	87	2	17	.....	64
Eleventh.....	50	1	22	2	41
Total.....	583	16	221	5	466

Q. Now, in like manner give the vote by wards and the total vote for the Republican and Democratic and Prohibition and Socialist candidates for governor and for Congress in all the wards of the borough of Nanticoke.—A. (Reading:)

For governor.

Wards.	Tener.		Grimm, Democrat.	Larkin, Prohibition.	Slatin, So- cialist.	Berry, Key- stone.
	Republican.	Working- man's League.				
First.....	32	.....	24	.....	9	68
Second.....	23	3	22	.....	13	34
Third.....	6	.....	6	.....	8	8
Fourth.....	30	3	25	2	11	11
Fifth.....	60	3	15	.....	44	147
Sixth.....	23	1	18	.....	17	68
Seventh.....	41	3	9	1	18	64
Eighth.....	40	.....	6	.....	77	49
Ninth.....	87	5	53	2	120	66
Tenth.....	27	4	21	2	25	75
Eleventh.....	97	5	28	.....	88	75
Total.....	466	27	227	7	430	665

For Congress.

Wards.	Bowman.		McLean, Democrat.	Quinn, Socialist.
	Republican.	Prohibition.		
First.....	45	3	50	13
Second.....	28	2	40	17
Third.....	5	.....	7	11
Fourth.....	24	3	55	16
Fifth.....	122	8	40	70
Sixth.....	35	2	49	51
Seventh.....	45	2	40	32
Eighth.....	51	.....	27	80
Ninth.....	103	6	66	146
Tenth.....	45	5	55	36
Eleventh.....	105	4	56	108
Total.....	608	35	465	560

Q. In like manner give the vote by wards and in the aggregate in the borough of Edwardsville.—A. (Reading:)

For governor.

Wards.	Tener.		Grimm, Democrat.	Larkin, Prohibition.	Berry, Key- stone.
	Republican.	Working- man's League.			
First.....	57	1	8	.....	45
Second.....	85	.....	5	.....	4
Third.....	30	.....	5	.....	56
Fourth.....	58	.....	1	.....	94
Fifth.....	36	1	2	.....	24
Sixth.....	33	.....	6	.....	30
Seventh.....	71	.....	1	.....	22
Total.....	370	2	28	.....	305

For Congress.

Wards.	Bowman.		McLean, Democratic.
	Republican.	Prohibition.	
First.....	59	1	23
Second.....	49	.....	42
Third.....	43	10	17
Fourth.....	73	1	20
Fifth.....	41	1	13
Sixth.....	44	.....	17
Seventh.....	85	.....	17
Total.....	394	13	149

Q. In like manner give the vote by wards and the aggregates in the borough of Duryea, for governor and for Congress.—A. (Reading:)

For governor.

Wards.	Tener.		Grimm, Democratic.	Larkin, Prohibition.	Berry, Keystone.
	Republican.	Working- man's League.			
First.....	58	1	7	.....	8
Second.....	103	2	19	.....	23
Third.....	63	.....	16	1	7
Fourth.....	50	.....	14	1	26
Fifth.....	14	.....	44	2	27
Total.....	288	3	100	4	93

For Congress.

Wards.	Bowman.		McLean, Democrat.
	Republican.	Prohibition.	
First.....	49		24
Second.....	111	1	30
Third.....	47		42
Fourth.....	63		33
Fifth.....	27		62
Total.....	291	1	191

Q. Give in the same manner the vote in the borough of West Pittston, by wards and in the aggregate for governor and Congress.—A. (Reading:)

For governor.

Wards.	Tener.		Grimm, Democrat.	Larkin, Prohibi- tion.	Berry, Keystone..
	Republican.	Working- men's League.			
First.....	38		5	1	49
Second.....	31			2	54
Third.....	34		5		49
Fourth.....	54	1	5	2	25
Fifth.....	42		4	2	64
Sixth.....	44		4	2	35
Seventh.....	58		9	6	87
Eighth.....	29	1	2	2	31
Ninth.....	35		3	5	49
Total.....	365	2	30	22	443

For Congress.

Wards.	Bowman.		McLean, Democrat.
	Republican.	Prohibi- tion.	
First.....	76	3	12
Second.....	62	4	12
Third.....	70	2	17
Fourth.....	63	3	9
Fifth.....	90	7	17
Sixth.....	64	3	13
Seventh.....	123	10	14
Eighth.....	49	3	7
Ninth.....	71	4	8
Total.....	568	39	100

(The witness being obliged to withdraw from the stand, Mr. Olin Harvey, deputy prothonotary, recalled for contestant.)

Q. Give us the vote for Congress in the second ward of the borough of Free-land, Mr. Harvey.—A. Bowman, Republican, 103; Bowman, Prohibition, 1; McLean, Democrat, 23.

Q. The same for the Hazle Brook district of Foster township.—A. Bowman, Republican, 71; Bowman, Prohibition, none; McLean, Democrat, 2.

Q. The northwest district of Foster township?—A. Bowman, Republican, 105; Bowman, Prohibition, none; McLean, Democrat, 10.

Q. Give the vote for Quinn, the Socialist there.—A. Three.

Q. Mr. Harvey, have you produced the original returns for the upper Lehigh district, being the northwest district of Foster township?—A. Yes, sir.

Q. Being the same district that I have called for under the name of the northwest district of Foster Township?—A. Yes.

Q. I show you paper produced by you, entitled—first I show you the list of voters. How many names appear on the list of voters?—A. One hundred and seventeen.

Q. What is the highest total vote for any office returned?

Mr. DANDO. Objected to as incompetent at this time and in this proceeding.

A. James Brehm, Republican candidate for representative in the general assembly, 116 votes.

Q. What is the total vote for that office?—A. The total vote for representative in the general assembly is 118 votes.

Q. Now, Mr. Harvey, I show you the triplicate return produced by you. Under the heading, "Number of votes cast for governor," what words are written under that heading in the column "Vote cast"?

(Objected to as irrelevant and incompetent to the matters now before the commissioners.)

A. 88, 2, 27.

Q. Opposite the name of Tener is 88?—A. Yes.

Q. And opposite the name of Grimm, 2?—A. Yes.

Q. And opposite Berry, Keystone, 27?—A. Yes.

Q. What is the total?—A. 117.

Q. In the corresponding column, opposite the name of C. C. Bowman, Republican, I ask you what was originally written on the return sheet? What does that return sheet show?—A. 88.

Q. What further appears beside that name?—A. "88" is crossed out and "105" written in.

Q. What appears in the column of figures, opposite the name of C. C. Bowman?—A. "88" and crossed out and "105" written.

Q. What appears opposite the name of George R. McLean, under the head "Number of votes cast"?—A. "Ten."

Q. That is where it appears in writing, the word "ten"?—A. Yes.

Q. Does that bear any evidence of change?

(This is objected to for the reason that the witness can only give his opinion as to whether or not it bears any evidence, the change being a conclusion. The proper method, we respectfully submit, would be to offer the record in evidence and have it impounded in order that the committee may examine it themselves.)

Q. What is your answer to that question?—A. Yes; it looks as though it had been changed.

Q. Under the column "Number of votes cast" in figures, what appears beside the name of George R. McLean?—A. The figure "2" has been crossed out and the figure "10" written over and above it.

Q. Just as "105" is written over and above the figures "88" crossed out?—A. Yes, sir.

(All this testimony is objected to for the reason heretofore interposed.)

Q. I will ask you what the total amount of the figures and words in the heading "Number of votes cast" appear for Lieutenant governor?

(Objected to as irrelevant and immaterial to the issue.)

A. John M. Reynolds, Republican, 89; Thomas H. Greevy, Democrat, 4; William A. Thomas, Industrialist, 1; Clarence Gibboney, Keystone, 22.

Q. What is the total vote?—A. 116.

Q. Likewise give the vote for secretary of internal affairs.

(Objected to as immaterial and irrelevant.)

A. Henry Houck, Republican, 88; James I. Blakeslee, Democrat, 3; John J. Casey, Keystone, 24. Total number of votes, 115.

Q. And in the column "Number of votes cast" in figures, for secretary of internal affairs, the same result is shown, isn't it?—A. Yes, sir.

Q. Houck, 88; Blakeslee, 3; Casey, 24, in figures?—A. Yes.

Q. Now, will you give the same, showing the returns for the office of senator?—A. Edward F. James, Republican, 101, written, and in figures, 101. Asa K. DeWitt, Democrat, 15 written out, and figures blank. Asa K. DeWitt, Keystone, one, written out, and the "Number of votes cast," in figures, 15. C. B. Johnson, Prohibition, number written out blank, and the number in figures, 1.

Cross-examination by Mr. DANDO:

Q. I call your attention to the paper that I hold in my hand, which is the return sheet of votes for the district, isn't it?—A. Yes, sir.

Q. The original, as returned and in your possession?—A. Yes.

Q. And that tally sheet shows 88 for Tener, Republican?—A. Yes, for governor.

Q. Where is that triplicate sheet that you had?—A. Here.

Q. The triplicate sheet shows an extension of the 88 to C. C. Bowman for Congress?—A. Yes.

Q. Which is very evidently an error, having been extended all the way across?—A. Yes.

Q. And the vote of George R. McLean was at first "2" on the triplicate sheet?—A. Yes, sir.

Q. While the vote for Mr. Grimm, the Democratic candidate for governor was "2"?—A. Yes.

Q. It is apparently carried over too far to the right?—A. Yes.

Q. The tally sheet itself shows no erasures, does it?—A. No.

Q. It is aggregated correctly?—A. As far as I can see.

Q. And the tally sheet corresponds with the aggregate on the triplicate returns?—A. Yes.

Q. Have you produced the returns from the prothonotary's office for the Hazle Brook district of Foster Township?—A. Yes.

Q. Are they all here?—A. There is one return missing.

Q. What return required by law is missing?—A. The triplicate return.

Q. That is the sheet that is inclosed in the envelope and sealed with the other papers, isn't it, as a part of the sealed returns?—A. Yes.

Redirect examination by Mr. JENKINS:

Q. What does the paper called the "Return sheet," being the open return, show as to the votes cast for governor in that district for the candidates for office?

(Objected to as incompetent and immaterial.)

A. John K. Tener, Republican, 72; Webster Grimm, Democrat, 1; William H. Berry, Keystone, 1.

Q. What does it show for lieutenant governor?—A. John M. Reynolds, Republican, 72; Thomas H. Greevey, Democrat, 1; D. Clarence Gibboney, Keystone, 1.

Q. Give the vote for Congress.—A. Bowman, Republican, 71; McLean, Democrat, 2.

Q. Now for senator in the general assembly.

(Objected to as incompetent and immaterial.)

A. James, Republican, 71; De Witt, Democrat, 2; De Witt, Keystone, 1.

Q. For representative in the general assembly.

(Objected to as immaterial and irrelevant.)

A. Thomas Brehm, Republican, 72; D. T. McKelvey, Democrat, 1; Ira Mann, Keystone, 1.

Cross-examination by Mr. DANDO:

Q. The original return sheet and tally sheet correspond exactly, don't they, in the amounts or totals as to Congress?—A. Yes.

Q. And there are no erasures?—A. No.

Q. On either sheet?—A. No.

Q. And the envelope marked "Triplicate return" is also in your files and at present contains a large number of affidavits of voters, doesn't it?—A. Yes.

Q. And it was opened in your office?—A. No.

Q. It was opened at the official count, before the judges?—A. Yes, sir.

Q. And the triplicate returns apparently was mislaid at the official count before the judges, because all the other papers are included in the envelope now, isn't that so?—A. Yes.

Redirect examination by Mr. JENKINS:

Q. You have given the vote as cast for Brehm, as shown by the open return sheet, as 72, have you not?—A. Yes.

Q. I ask you what does the tally sheet show in respect to the vote cast for Brehm?

(Objected to as immaterial and irrelevant.)

A. 67.

Q. How many are shown on the list of voters?—A. 74.

(At this time the witness is obliged to withdraw from the stand and Neil McDermott called to take his place, being a clerk in the prothonotary's office.)

NEIL McDERMOTT, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. Mr. McDermott, you have taken the place of the last witness, Mr. Olin Harvey, deputy prothonotary, and you are a clerk in the office of the prothonotary, are you not?—A. Yes.

Q. I will ask you now to turn to the second ward of the borough of Avoca and give in that ward the Republican vote and the Prohibition vote for Mr. C. C. Bowman and the Democratic vote cast for George R. McLean.—A. In the second ward, C. C. Bowman, Republican, 95; C. C. Bowman, Prohibition, 14; George R. McLean, Democrat, 75.

Q. In like manner the middle district of Newport Township.—A. C. C. Bowman, Republican, 106; C. C. Bowman, Prohibition, 7; George R. McLean, Democrat, 59.

Q. Take, now, the fifth ward of the borough of Nanticoke.—A. C. C. Bowman, Republican, 122; C. C. Bowman, Prohibition, 8; George R. McLean, Democrat, 40.

Q. Second ward of the borough of Duryea.—A. C. C. Bowman, Republican, 111; C. C. Bowman, Prohibition, 1; George R. McLean, Democrat, 30.

Q. Fourth ward, Duryea borough,—A. C. C. Bowman, Republican, 63; Prohibition, none; George R. McLean, Democrat, 33.

Q. Second district, sixth ward, city of Wilkes-Barre. That is in the seventh legislative district.—A. C. C. Bowman, Republican, 78; Prohibition, none; George R. McLean, 38.

GEORGE WAGNER, recalled by contestant.

Examination by Mr. JENKINS:

Q. You have been called before and sworn and are the same George Wagner, clerk of the courts, that has been sworn and who has testified before in this investigation?—A. Yes.

Q. Have you brought with you the expense account of James Brehm?—A. Yes, sir.

Q. Turn to that expense account. Who was James Brehm and for what office was he a candidate?—A. He was a candidate for election to the office of representative in the first legislative district.

Mr. DANDO. Objected to as irrelevant and incompetent to the matter at issue and also because no notice was given of the calling of this witness for this purpose.

Q. Is the first legislative district of Luzerne County a part of the eleventh congressional district?—A. Personally, I would say that it is, but it doesn't show on here.

Q. Well, is it?—A. Yes; it is a part of the eleventh congressional district.

Q. What sum of money does Brehm, the legislative candidate, charge himself with in his accounts as having been received from C. H. Guscott, district chairman?

Mr. DANDO. Objected to as incompetent and immaterial to this issue and not a part of the grounds set out in the petition and notice of contest.

A. October 21, C. H. Guscott, \$200.

Q. That item is under what heading?—A. Under "From whom received."

Mr. DANDO. We object to the testimony as incompetent and irrelevant to this issue.

No cross-examination.

NEIL McDERMOTT, recalled:

Examination by Mr. JENKINS:

Q. Mr. McDermott, if you will take the stand now we will go ahead with another item. I wish you would turn to the sixth district, Hazle Township, in the first legislative district. Give from the returns of this district, and from other districts as I shall call them, first the vote cast for the Prohibition candidate for governor, and secondly the vote cast for C. C. Bowman for Congress in the Prohibition column.

MR. DANDO. We enter a general objection to this line of testimony as to the evidence relative to the Prohibition candidate for governor, or as to any other candidates for any office outside of the candidates for Congress, as being incompetent.

A. (Reading:)

Wards and districts.	Prohibition ticket.	
	Governor, Madison F. Larkin.	Congress, C. C. Bow- man.
Sixth district, Hazle Township.....		8
Ashley, first ward.....	5	13
Butler Township.....		6
Warder Run Borough.....	1	7
A voca Borough, second ward.....	7	14
Newport Township, middle district.....	3	7
Shickshinny Borough, second ward.....	1	5
Southwest district, Slocum Township.....	5	10
Edwardsville, third ward.....		10
Kingston, first ward.....		6
Kingson, second ward.....	1	7
Plymouth Borough, third ward.....		24
Plymouth Borough, sixth ward.....	2	3
Plymouth Borough, tenth ward.....	1	3

MR. DANDO. All testimony relevant to so many of these voting districts as are not set out in the notice of contest is objected to as being incompetent and inadmissible.

Wards and districts.	Prohibition ticket.	
	Governor, Madison F. Larkin.	Congress, C. C. Bow- man.
Plymouth Borough, eleventh ward.....	2	8
Plymouth Township, third west.....	2	8
Plymouth Township, sixth west.....		6
Dorranceton Borough, first ward.....	3	16
Dorranceton Borough, fourth ward.....	1	8
Franklin Township.....	4	
Forty Fort, first ward.....		12
Forty Fort, second ward.....		6
Lehman Township, northeast district, first.....	3	9
Lake Township, middle district.....	2	9
West Pittston Borough, seventh ward.....	6	10
West Wyoming.....	1	6

Q. Wilkes-Barre city in the following wards and districts:—A. (Reading.)

Wards and districts.	Prohibition ticket.	
	Governor, Madison F. Larkin.	Congress, C. C. Bow- man.
Third ward, fourth district.....		6
Tenth ward, first district.....	1	8
Thirteenth ward, second district.....	3	15
Fourteenth ward, third district.....	1	7
Fifteenth ward, first district.....		7
Fifteenth ward, second district.....	2	7
Fifteenth ward, third district.....	1	17
Sixteenth ward, third district.....		8

Q. Now, give the vote for senator in the Republican, Democratic, and Keystone columns for the respective candidates in the sixth district west, Plymouth Township.

(Objected to as incompetent and immaterial, and not specifically contained in the notice of contest.)

A. E. E. James, Republican, 1; Asa K. De Witt, Democrat, 63; Asa K. De Witt, Keystone, 29.

Q. Give the whole vote for Congress throughout for the same section.—A. C. C. Bowman, Republican, 68; C. C. Bowman, Prohibition, 6; George R. McLean, Democrat, 17.

Q. Does the record of the return for the sixth district west of Plymouth Township show any Prohibition vote cast for any other candidate than C. C. Bowman at the election held November 8, 1910?

(Objected to as immaterial.)

A. Not any other.

Q. Turning to the third ward, Plymouth borough, I ask you, does the return show any vote cast for the Prohibition candidates other than the vote returned as cast for C. C. Bowman?

(Objected to as immaterial.)

A. Not any other.

Q. I wish you would turn to the election returns, as you have them before you, for the year 1906. In the year 1906, what was the head, what person was named as the head of the Prohibition state ticket, and for what office was he a candidate?

(Objected to as incompetent and irrelevant.)

A. Homer L. Castle, Prohibition candidate for governor.

Q. Who was the head in that year of the local Republican ticket, and for what office was he a candidate?

(Objected to as immaterial and incompetent and irrelevant.)

A. For district attorney, A. Salsburg, Prohibition.

Q. Does the return show whether the Republican candidate for the office of district attorney had the indorsement or nomination also of the Prohibition Party in that year?—A. As it appears in the returns here he is credited with 23 votes.

Q. The name of the Republican candidate for district attorney also appears as the nominee of the Prohibition Party?—A. Yes.

Q. Now, what was the total vote cast in Luzerne County for Homer L. Castle, candidate for governor on the Prohibition ticket?

(Objected to as immaterial, irrelevant, and incompetent.)

A. Total, 541 votes.

Q. What was the total vote cast for the head of the local Republican ticket in the Republican column?—A. Total vote, 16,208.

Q. What was the total vote cast for the same candidate in the Prohibition column?—A. 1,134.

Q. Making a total aggregate vote of how many? What was the Republican candidate for district attorney in the Lincoln column in that year?

(Objected to as incompetent, immaterial, and irrelevant.)

A. 460.

Q. Making a total of how many?—A. 17,802.

Q. In that year who was the Democratic candidate for district attorney?

(Objected to for the same reasons—that it is incompetent, immaterial, and irrelevant.)

A. Martin J. Mulhall.

Q. What was his total aggregate vote?—A. 17,707.

Q. Showing a plurality for Salsburg. That is a majority of the total vote of 95, isn't it?—A. Yes; 95 votes.

Q. I will ask you now to give me the Prohibition vote as cast for Castle, the head of the Prohibition ticket, in 1906, and the vote as returned for Salsburg in the Prohibition column in 1906 in the following wards and voting precincts.

(Objected to as incompetent, immaterial, and irrelevant.)

A. (Reading:)

Wards and districts.	Castle.	Salesburg.
Hasleton city, fifth ward.....	1	6
Hasleton city, seventh ward.....	1	7
Hasleton city, eighth ward.....	9	11
Ashley borough, first ward.....	11	25
Warrior Run borough.....	1	17
Parsons borough, southern district.....	9	16
Nanticoke borough, fifth ward.....	6	26
Nanticoke borough, sixth ward.....	2	14
Nanticoke borough, seventh ward.....	2	14
Nanticoke borough, ninth ward.....	..	31
Nanticoke borough, tenth ward.....	2	14
Nanticoke borough, eleventh ward.....	4	17
Edwardsville borough, first ward.....	3	23
Plymouth borough, first ward.....	5	22
Plymouth borough, second ward.....	1	22
Plymouth borough, sixth ward.....	1	26
Plymouth borough, eighth ward.....	2	11
Exeter borough, second ward.....	1	22
Luzerne borough, first ward.....	7	44
Wilkes-Barre city, first district, second ward.....	4	17
Wilkes-Barre city, third district, thirteenth ward.....	6	16

Q. Now, you have before you also the election returns also of the year 1907, have you not?—A. Yes.

Q. Will you turn first to the summary at the bottom of the first district? Who was in that year the head of the State Prohibition ticket, and for what office was he a candidate?

(Objected to as incompetent, irrelevant, and immaterial.)

A. W. H. Stevenson for State treasurer.

Q. Who was the head, in that year, of the local Republican ticket in Luzerne County, and for what office was he a candidate?

(Objected to as incompetent, immaterial, and irrelevant.)

A. Henry A. Fuller, for judge.

Q. And the name at the head of the Republican county ticket in the year 1907 also appears as the candidate for the Prohibition Party for the same office?

(Objected to as incompetent, immaterial, and irrelevant.)

A. Yes, sir.

Q. What was the total vote cast in Luzerne County at the election held in November, 1907, for the Prohibition candidate for State treasurer, being the head of the State ticket?

(Objected to as immaterial, incompetent, and irrelevant.)

A. 652.

Q. What was the total vote received by Henry A. Fuller as a candidate for judge, as the head of the county ticket, in the Prohibition column?—A. 530.

Q. What was the aggregate vote cast for Henry A. Fuller, the Republican and Prohibition candidate for judge?—A. 17,225.

Q. Who was the opponent of the Republican candidate for the office of judge, and what was his aggregate vote?

(Objected to as incompetent, immaterial, and irrelevant.)

A. William H. Hines, Democrat and United Labor.

Q. What was his total vote?—A. 16,148.

Q. What was the majority of the Republican and Prohibition candidate over the Democratic and United Labor candidate?

(Objected to as incompetent, immaterial, and irrelevant.)

A. 1,077.

Q. You have before you the election returns for the year 1908, have you not?—A. Yes.

Q. What was the total vote cast in that year for the presidential electors on the Prohibition ticket in Luzerne County?

(Objected to as incompetent, immaterial, and irrelevant.)

A. 572.

Q. In that year who was the head of the Prohibition ticket, and for what office was he a candidate?—A. Daniel Sturgeon, Judge of the superior court.

Q. And he received how many votes in Luzerne County?—A. 835.

Q. Who was the head of the Republican ticket in that year and for what office was he a candidate?—A. Henry W. Palmer, Prohibition, for Congress.

Q. Who was his opponent?—A. John H. Bigelow, Democrat.

Q. How many votes did Henry W. Palmer receive in that year for the office of Congress on the Prohibition ticket?—A. 508.

Q. What was Henry W. Palmer's majority over his Democratic opponent, John H. Bigelow?

(Objected to as incompetent, immaterial, and irrelevant.)

A. 2,428 majority for Palmer.

Q. You have before you the certified election returns for the year 1909 for Luzerne County?—A. Yes, sir.

Q. Who was the head of the Prohibition State ticket, as shown in that return, and for what office was he a candidate?

(Objected to as incompetent, immaterial, and irrelevant.)

A. Frank Fish for State treasurer.

Q. What was his total vote in Luzerne County?—A. 739.

Q. Who was the head of the local Republican ticket, the county Republican ticket, in that year, and for what office was he a candidate?—A. John H. Williams, for the office of district attorney.

Q. Did John H. Williams, the candidate for the office of district attorney, have his name appear also in the Prohibition Party as a candidate for that office?—A. Yes.

Q. What vote did Mr. Williams poll in the Prohibition Party in 1909?—A. 530.

Q. What was the Republican vote for John H. Williams?—A. 16,375.

Q. Who and what was the vote, as received by his Democratic opponent?—A. His Democratic opponent was Frank A. McGuigan, and the vote he received was 15,135.

Q. Showing on the returns a majority for Mr. Williams of how many votes?

(Objected to as incompetent, immaterial, and irrelevant.)

A. A majority of 1,770.

Q. You have given the returns of the Prohibition vote for the third ward of Plymouth borough for the year 1910. I ask you now to give me the vote for the year 1909.

(Objected to as incompetent, immaterial, and irrelevant.)

A. In the third ward of Plymouth borough?

Q. Yea. I will put it in that way. In the year 1909 what did the head of the Prohibition State ticket and the head of the local Prohibition ticket—what vote did these candidates receive in the third ward of Plymouth borough?

(Objected to as incompetent, immaterial, and irrelevant.)

A. Not any.

Q. Give what the result was in the same ward on the Prohibition ticket in the year 1908?—A. Prohibition presidential electors, 1; superior court judge, none; Congress, none.

Q. Give the results in the same manner for the year 1907 in the third ward of Plymouth borough as respects the Prohibition vote?—A. For State treasurer W. H. Stevenson, 1; judge of the court of common pleas, Henry A. Fuller, none.

Q. In like manner give what is shown by the election returns in the Prohibition column for the year 1906 in that ward.—A. Homer L. Castle, for governor, 1; State senator, Fuller Hendershot, none; district attorney, Abram Salsburg, none.

(All the foregoing is objected to for the reasons that it is immaterial, irrelevant, and incompetent.)

Adjourned until 10 a. m., March 14, 1911, at the prothonotary's office, courthouse, Wilkes-Barre, Pa.

TUESDAY, MARCH 14, 1911.

Hearing resumed at 10 a. m., pursuant to adjournment, at the prothonotary's office, courthouse, Wilkes-Barre, Pa.

Appearances: Geo. R. McLean, contestant, in person; John E. Jenkins, Esq., counsel for contestant; Arthur L. Turner, Esq., contestant's commissioner; Evan C. Jones, Esq., counsel for contestee; John H. Dando, Esq.

NEIL McDERMOTT, recalled.

Examination by Mr. JENKINS:

Q. Mr. McDermott, you have there the certified election returns for the general election held in Luzerne County for the years 1906, 1907, 1908, 1909, and 1910, have you not?—A. Yes, sir.

Mr. DANBO. All this testimony is objected to generally as incompetent, immaterial, and irrelevant.

Q. Now, Mr. McDermott, turn to the election of 1906, for Avoca Borough. Who was the candidate that year at the head of the State ticket, and for what office was he a candidate?—A. For governor, Edwin S. Stuart, Republican.

Q. Who was the Democratic candidate?—A. Lewis Emory.

Q. Give the vote received by Stuart and by Emory in the Borough of Avoca in the different columns in which their names appear.—A. Stuart, Republican, 87; Emory, Democrat, 284.

Q. Who was the candidate at the head of the local ticket that year? The Republican and Democratic heads of the local ticket.—A. A. B. F. Cobleigh was the candidate on the Square Deal ticket, and received 60 votes, and John T. Lenahan was the candidate on the Democratic ticket for Congress, and he received 205 votes.

Q. In like manner give the vote for these same candidates in the borough—in Jenkins Township, for that year.—A. Edwin S. Stuart, Republican, for governor, 7; Citizens, 1; Lewis Emory, Democratic, for governor, 505; Cobleigh, Square Deal, for Congress, 31; Lenahan, Democrat, for Congress, 541.

Q. Now take Pittston Township.—A. Edwin S. Stuart, Republican, for governor, 268; Lewis Emory, Jr., Democratic, for governor, 372; Cobleigh, Square Deal, for Congress, 68; Lenahan, Democrat, for Congress, 773.

Q. The same for Pittston City.—A. Edwin S. Stuart, Republican, governor, 465; Citizens, 6. Lewis Emory, Democrat, for governor, 1,111; Commonwealth, 12; Lincoln, 80; Referendum, 2; United Labor, 37. For Congress: Cobleigh, Square Deal, 268; Lenahan, Democrat, 1,056.

Q. The same for the seventh ward, Pittston City.—A. For governor: Edwin S. Stuart, Republican, 62; Citizens, 2. Lewis Emory, Jr., Democrat, 106; Commonwealth, 1; Lincoln, 28. For Congress: Cobleigh, 27; Lenahan, 123.

Q. Give the same returns for the borough of Duryea.—A. For governor: Lewis S. Stuart, Republican, 217; Citizens, 1. Lewis Emory, Jr., Democrat, 253; Commonwealth, 2; Lincoln, 6; Referendum, 1; United Labor, 1. For Congress: Cobleigh, 161; Lenahan, Democrat, 165.

Q. The same for the second ward of Edwardsville, for the same year.—A. For governor: Edwin S. Stuart, Republican, 30; Lewis Emory, Jr., Democrat, 50. Congress: Cobleigh, Republican, Square Deal, 10; Lenahan, 85.

Q. Now turn to the election returns for 1907 and give the corresponding results for the same municipalities and voting districts. Avoca Borough. For State treasurer. Who was the head of the Republican State ticket for that year?—A. For State treasurer, James L. Sheats.

Q. And on the Democratic ticket?—A. John G. Harmon.

Q. Who was the head of the local county tickets?—A. Henry A. Fuller, Republican, for judge of the common pleas; and William H. Hines, Democrat, for Judge of the common pleas.

Q. Now give the corresponding results.—A. For State treasurer: James L. Sheats, Republican, 93; John G. Harmon, Democrat, 196. Judge of common pleas: Henry A. Fuller, Republican, 104; Prohibition, 4. William H. Hines, Democrat, 211; United Labor, 31.

Q. Now, Jenkins Township.—A. For State treasurer: Thomas L. Sheats, Republican, 57; John G. Harmon, Democrat, 242. Judge of common pleas: Henry A. Fuller, Republican, 117; Prohibition, 1. William H. Hines, Democrat, 239; United Labor, 28.

Q. The same for Pittston Township.—A. For State treasurer: Sheats, Republican, 74; Harmon, Democrat, 433; Judge of common pleas: Fuller, Republican, 85; Prohibition, 1. Hines, Democrat, 483; United Labor, 60.

Q. Now give Pittston City.—A. State treasurer: Sheats, Republican, 488; Harmon, Democrat, 807. For judge common pleas: Fuller, Republican, 541; Prohibition, 9. Hines, Democrat, 712; United Labor, 262.

Q. Now the seventh ward, Pittston City.—A. For State treasurer: Sheats, Republican, 65; Harmon, Democrat, 70. For judge common pleas: Fuller, Republican, 86; Prohibition, 1. Hines, Democrat, 35; United Labor, 16.

Q. Second ward of Edwardsville?—A. For State treasurer: Sheats, Republican, 33; Harmon, Democrat, 37. Judge of common pleas: Fuller, Republican, 36; Hines, Democrat, 61.

Q. Now, turn to the election returns of 1908 in Avoca and give the head of the State and county tickets, as well as for the presidential electors. What was the vote cast in Avoca in 1908 for the head of the presidential electoral ticket?—A. Benjamin F. Jones, Jr. (Republican), on the Republican electoral ticket, and received 212 votes.

Q. What was the vote for Avoca Borough, and who was the head of the Democratic presidential electoral ticket, and what was the vote cast for him?—A. John P. McCullom, 449.

Q. Give the head of the Republican State ticket for 1908 and the head of the Democratic State ticket and the office for which they were candidates.—A. For judge of the superior court, William D. Porter (Republican) and Webster Grimm (Democrat).

Q. Give the vote received by them in Avoca.—A. Porter (Republican), 167; Grimm (Democrat), 431.

Q. In like manner give the vote cast for Congress in the same borough and heads of the local tickets.—A. For Congress, Henry W. Palmer (Republican and Prohibition) and John H. Bigelow (Democrat). Palmer (Republican), 174; Prohibition, 5; Bigelow (Democrat), 450.

Q. In same manner give Jenkins Township.—A. For the head of the electoral ticket: Jones (Republican), 121; McCullom (Democrat), 559. For judge of the superior court: Porter, 78; Grimm, 412. For Congress: Palmer (Republican), 147; Prohibition, 0; Bigelow (Democrat), 451.

Q. The same for Pittston Township.—A. For head of the electoral ticket: Jones (Republican), 68; McCullom (Democrat), 688. For judge of the superior court: Porter (Republican), 78; Grimm (Democrat), 654. For Congress: Palmer (Republican), 145; Prohibition, 1; Bigelow (Democrat), 717.

Q. Now, Pittston City.—A. For head of the electoral ticket: Jones (Republican), 861; McCullom (Democrat), 1,297. For judge of the superior court: Porter (Republican), 747; Grimm (Democrat), 1,113. For Congress: Palmer (Republican), 810; Prohibition, 12; Bigelow (Democrat), 1,128.

Q. Give the same for the seventh ward of Pittston City.—A. For head of the electoral ticket: Jones (Republican), 104; McCullom (Democrat), 114. For judge of the superior court: Porter (Republican), 88; Grimm (Democrat), 101. For Congress: Palmer (Republican), 99; Prohibition, 1; Bigelow (Democrat), 99.

Q. Now, the second ward of Edwardsville.—A. For head of the electoral ticket: Jones (Republican), 72; McCullom (Democrat), 46. For judge of the superior court: Porter (Republican), 67; Grimm (Democrat), 28. For Congress: Palmer (Republican), 63; Prohibition, 0; Bigelow (Democrat), 51.

Q. Now turn in like manner to the election of 1909 and give the head of the State and county ticket of each party.—A. The head of the ticket is State Treasurer J. A. Stober (Republican) and George W. Kipp (Democrat). The head of the county ticket is District Attorney John H. Williams (Republican and Prohibition), and Frank A. McGuigan (Democrat).

Q. Give the results in Avoca.—A. State Treasurer Stober (Republican), 125; Kipp (Democrat), 303. District Attorney John H. Williams (Republican), 108; Prohibition, 14. McGuigan (Democrat), 332.

Q. Give Jenkins Township.—A. State treasurer: Stober, Republican, 48; Kipp, Democrat, 298; district attorney: Williams, Republican, 54; Prohibition, 3; McGuigan, Democrat, 349.

Q. Now Pittston Township.—A. State treasurer: Stober, Republican, 21; Kipp, Democrat, 153; district attorney: Williams, Republican, 20; Prohibition, 2; McGuigan, Democrat, 165.

Q. Now Pittston City.—A. State treasurer: Stober, Republican, 569; Kipp, Democrat, 1,004; district attorney: Williams, Republican, 489; Prohibition, 18; McGuigan, Democrat, 1,030.

Q. Seventh ward, Pittston City.—A. State treasurer: Stober, Republican, 66; Kipp, Democrat, 101; district attorney: Williams, Republican, 56; Prohibition, 0; McGuigan, Democrat, 118.

Q. Second ward, Edwardsville.—A. State treasurer: Stober, Republican 83; Kipp, Democrat, 101; district attorney: Williams, Republican, 56; Prohibition, 0; McGuigan, Democrat, 52.

Q. Now give Duryea for 1909.—A. Duryea borough, State treasurer: Stober, Republican, 320; Kipp, Democrat, 189; district attorney: Williams, Republican, 293; Prohibition, 1; McGulgan, Democrat, 253.

(Contestant now offers in evidence the whole of the certified election returns for the general election held November 8, 1910, as counted and certified by the judges of the courts of Luzerne County, being returns produced by the witness whose testimony has just been taken.

Contestant also offers in evidence the election returns as filed with the prothonotary of Luzerne County for the same election.

This offer is objected to generally as incompetent, immaterial, and irrelevant.)

Hearing adjourned until 4 p. m. at the office of William S. McLean, Coal Exchange Building, Wilkes-Barre, Pa.

Hearing resumed pursuant to adjournment of forenoon session at William S. McLean's office, Coal Exchange Building, Wilkes-Barre, Pa., at 4 p. m.

Hearing adjourned, without testimony being taken, until 4 p. m., Thursday, March 16, 1911.

THURSDAY, MARCH 16, 1911.

Hearing resumed, pursuant to adjournment at 4 p. m., at the office of William S. McLean, Coal Exchange Building, Wilkes-Barre, Pa.

Appearances: George R. McLean, Esq., contestee in person; John T. Lenahan, Esq., John E. Jenkins, Esq., counsel for contestant; Arthur L. Turner, Esq., contestant's commissioner; Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., contestee's commissioner.

DAVID DAVIS, called by contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. What is your official position in the county of Luzerne?—A. Inspector of mines.

Q. How long have you been inspector of mines?—A. Since the 1st of January, 1903.

Q. And as inspector of mines your presence in and about the mines or in connection with the mines is required constantly, is it not?—A. Yes, sir.

Q. So much so that complaints have been general that we have not enough mine inspectors to protect the property and life in the anthracite region? More are required?

(Objected to as immaterial and irrelevant as to whether such complaints have been made or not.)

Q. Answer the question.—A. I understand such complaints have been made.

Q. Where do you live?—A. In Wilkes-Barre.

Q. In what ward?—A. In the fifteenth ward.

Q. What territory does your position as mine inspector cover?—A. It covers Courtdale Borough, a portion of Edwardsville Borough and Larksville Borough, Plymouth Borough, Plymouth Township, and a portion of Hanover Township.

Q. All except Hanover Township lies on the other side of the river and in totally different municipalities from the municipality of Wilkes-Barre, in which you live, doesn't it?—A. Yes, sir.

Q. You received money to pay out during the election, I believe, didn't you?—A. Yes, sir.

Q. How much money did you receive?—A. \$140.

Q. From whom did you receive it?—A. Dr. Lewis Edwards.

Q. Where did you receive it from him?—A. At my office.

Q. Where is your office?—A. In the Simon Long Building, in the city of Wilkes-Barre.

Q. That is in the city of Wilkes-Barre?—A. Yes, sir.

Q. Did he come to your office with the money?—A. Yes, sir.

Q. By appointment?—A. Yes, sir.

Q. How long before the day he came there was the appointment made?—A. Perhaps a few days.

Q. Where was the appointment made?—A. At my office.

Q. Your office?—A. Yes, sir.

Q. Dr. Lewis Edwards lives in Edwardsville?—A. Yes, sir.

Q. That is within your territory as a mine inspector?—A. Yes.

Q. Will you please give us the names of the men to whom you paid that money?—A. I paid that money to a young man named Joseph Linchey.

Q. Who is Joseph Linchey?—A. He is a Slavonian.

Q. What does he do?—A. He is engaged as a driver boss in Plymouth No. 4.

Q. That mine is in your territory?—A. Yes, sir.

Q. Did you give all this money to him?—A. Every cent of it.

Q. Why didn't the—Dr. Edwards lived nearer to that man than you did, didn't he?—A. Well, possibly.

Q. Not possibly at all. Is it not a fact that he resides nearer Linchey than you reside?—A. I don't think so.

Q. You live on this side of the river?—A. Yes, sir.

Q. And the Doctor lives on the other side of the river?—A. He lives in Edwardsville.

Q. Do you say, Mr. Davis, that Edwardsville is not nearer to Larksville than Wilkes-Barre?—A. Well, by actual measurement it would not be.

Q. But by the actual traveled route?—A. Oh, it is.

Q. By the actual traveled route Edwardsville is between Larksville and Wilkes-Barre?—A. By the traveled route I would judge it is nearer.

Q. Edwardsville is about 2 miles from Wilkes-Barre?—A. Yes.

Q. And Larksville is about 2 miles from Edwardsville?—A. Probably a little more; more in the center it would be.

Q. Don't Larksville and Edwardsville adjoin each other?—A. Yes, sir.

Q. Why did you take that money?—A. Because Dr. Edwards asked me if I would interest myself in the campaign, and I promised him that I would.

Q. Why did you pay all this money to one man?—A. Because he had a knowledge of who the workers were in Larksville borough.

Q. Why didn't you send Dr. Edwards to him?—A. That was not taken into consideration at all.

Q. Why didn't you send Dr. Edwards to him?—A. I don't know that the Doctor knew him at all.

Q. Why didn't you send him to him? It wasn't necessary for him to know him, but it was necessary for him to know whether or not he was the man you contemplated giving it to, wasn't it?—A. Yes.

Q. Then why didn't you send Dr. Edwards to him?—A. I didn't think that Dr. Edwards could do as much with him as I could.

Q. That is what I thought. That is why I asked you. Did you mention his name to Dr. Edwards?—A. I don't think so.

Q. Did you intend giving all the money to Linchey?—A. Yes, sir.

Q. Did you intend giving all the money to Linchey when you first got it from Edwards?—A. Yes, sir.

Q. You had him in view?—A. Yes. I had him in view.

Q. Dr. Edwards says that he gave that money to you to get watchers. Why didn't you tell him that you were not going to get watchers, but were going to give the money to the other man?—A. I didn't know who the watchers were.

Q. Did Dr. Edwards tell you that he wanted you to get watchers for this money?—A. It was to select the watchers.

Q. You gave it to Linchey to select the watchers?—A. Yes, sir.

Q. Well, why didn't you tell him that you would not select the watchers yourself; that you had another man in view to whom you would give the money to select the watchers?—A. Yes, sir; but I thought it would be the same thing.

Q. Is that the best answer that you can give?—A. I didn't know the watchers, so it was necessary to select somebody.

Q. Did you tell him that you didn't know the watchers?—A. No.

Q. You didn't say anything about it?—A. No.

Q. Although you took the money with the understanding that you were to get watchers, you didn't know who the watchers were, and had no idea of who they were?—A. No.

Q. And you had no idea of getting watchers yourself at the time you took the money?—A. No.

Q. What you intended doing was to get the money and give it to some one else?—A. Yes; who knew the watchers.

Q. Linchey?—A. Yes; Mr. Linchey.

Q. You intended giving it to Linchey?—A. Yes.

Q. Did you ever communicate that fact to Dr. Edwards?—A. No.

Q. Did you ever return to Dr. Edwards a statement that you had given that money to Linchey?—A. No; I did not.

Q. What day did you get this money?—A. It was a few days prior to the election; I don't know.

Q. Was it the week of election or the week before?—A. It was the week before.

Q. Friday or Saturday before election?—A. Well, probably Friday.

Q. When did you see Linchey?—A. I saw Linchey Saturday.

Q. Where?—A. At my office.

Q. Did you send for him?—A. Yes, sir.

Q. What was his position?—A. His position is driver boss.

Q. As such he has charge of the boys that drive in the mine, hasn't he?—

A. He looks after the drivers.

Q. And looks after the animals and mules, doesn't he, as a driver boss?—
A. Yea.

Q. As I understand, he visited your office?—A. Yea.

Q. Do I understand that he has charge of the boys and the mules?—A. Yes.

Q. What time did you send for him?—A. He came to my office between 7 and half past 7.

Q. When?—A. In the evening—in the evening.

Q. How did you send for him?—A. I sent to the office.

Q. To what office?—A. Plymouth, No. 4.

Q. What company?—A. The Delaware & Hudson.

Q. You sent to the Delaware & Hudson Co.'s office?—A. Yea.

Q. Whom did you send to the D. & H.?—A. I don't know who it was answered the phone.

Q. You called them up by phone?—A. Yes, sir.

Q. What did you tell them?—A. Told them when he came out to call me up at my home.

Q. This person was talking to you from the D. & H. Co.'s office?—A. Yes, sir.

Q. And you said when Linchey comes out of the mines he should call you up?—A. At my home; yes, sir.

Q. And did he call you up?—A. Yes.

Q. What did you say to him?—A. I told him to come up to my office; I would like to see him.

Q. You told him that you wanted to see him. Did you tell him what you wanted to see him about?—A. Not over the phone.

Q. Why didn't you tell him over the phone what you wanted to see him about?—A. I would rather tell him in my office.

Q. Why?—A. I don't know of any particular reason.

Q. The reason was you knew you were out of your legitimate business in bringing a man over to give him money—a man who was under your jurisdiction. You knew that, didn't you?—A. No, sir; I did not know that.

Q. Then if your business was legitimate why did you conceal what your business was over the phone?—A. I wanted him to come over so that when he came over I could hand him the money and state for what purpose it was given.

Q. Why didn't you tell him that over the phone and find out whether he would take the money or not?—A. I thought that I would get him over first and ask him then.

Q. You thought you could "put the blocks to him" more easily if you got him before you, personally, didn't you?—A. Not necessarily.

Q. When he came into your office who was there?—A. No one but myself.

Q. What day was this?—A. I think it was possibly Saturday evening.

Q. Did you give him the money there?—A. Yes, sir.

Q. Where did you keep the money from the time that it was given to you?—
A. I kept it in my home.

Q. In your home?—A. Yes.

Q. Was it given to you when you were in your working clothes?—A. No, sir; it was given to me about 5 o'clock in the evening.

Q. Where?—A. In my office.

Q. Now, did you take the money from your home and give it to Linchey in your office or was it in your home that you gave it to him?—A. I gave it to him at my office.

Q. He called you up at your home and you made an appointment to have him come to your office?—A. Yes, sir.

Q. When he came what did you say to him?—A. I asked him if he knew the workers in Larksville borough, and he said he did. He said he had a wide acquaintance there and was acquainted with the workers in the party.

and then I asked him if he would interest himself in the campaign, and he said that he would, and then I asked if he would select the workers for the seven wards in Larksville borough, and he said he would, and I gave him the money.

- Q. You handed him \$20 for each ward?—A. Yes.
 Q. Did you tell him that it was \$20 for each ward?—A. Yes, sir.
 Q. Did you ask him to give an account of it?—A. No, sir.
 Q. How long had you known this man?—A. About 12 years; possibly 15.
 Q. You know him well?—A. Yes.
 Q. Do you know him to be a man of influence with his people?—A. No, sir.
 Q. Because of his position?—A. No.
 Q. His position had nothing to do with it?—A. No, sir.
 Q. Didn't he have the employing and discharging of the boys?—A. That I can't say.
 Q. Do you say, as a mine inspector, that you don't know that a driver ~~boss~~ has the employment and the discharging of the boys working ~~under~~ him?—A. They had when I was a boy working in the mines, but I don't think they do now—a great many of them.
 Q. Do you say all of them have not or have?—A. There are a great many who have not.
 Q. And there are a great many of them that have, are there not?—A. There are some that have.
 Q. They have?—A. Yes.

Cross-examination by Mr. JONES:

- Q. You say that you gave Mr. Linchey this money to employ policemen and to place workers in the seven wards of the borough of Larksville?—A. Yes, sir.
 Q. Your position is inspector of mines?—A. Yes, sir.
 Q. You have no authority over this man, you don't employ him?—A. No.
 Q. He don't work for you or under you?—A. No.
 Q. As a matter of fact the only employees who work under a driver ~~boss~~ are boys from 16 to 21 as a rule?—A. As a rule, yes, sir.

Redirect examination by Mr. LENAHAN:

- Q. It lies in your power as mine inspector to close any mine under your jurisdiction, doesn't it?—A. We can ask for an injunction from the court.
 Q. And you know, don't you, that the suggestions of a mine inspector go far with the employers as to the character of the men that they shall employ as foreman? You, yourself, have recommended men to mine employers, have you not?—A. No.
 Q. At no time did you recommend any men?—A. No, sir.
 Q. Or man?—A. No.
 Q. And gave no recommendation to him as being a good man, who understood his business?—A. None whatever.
 Q. At no time that you done that?—A. At no time.
 Q. You also have the power of directing what the thickness of the barrier pillar shall be, have you not?—A. The engineers of the adjoining coal properties have that power.
 Q. Where they don't agree, isn't your vote decisive?—A. I am one of three.
 Q. But where the employers or the men engaged in the working of the mines, or their engineers, have a dispute as to where the barrier pillar shall be and how thick it shall be, if they disagree your vote decides it under the law, don't it, as to how thick it shall be and where it shall be located?—A. Well, I haven't been put to that test yet.
 Q. Do you say that you have not been put to that test?—A. No.
 Q. Haven't you done it in a case lately?—A. That is my vote would decide the thickness of a barrier pillar?
 Q. Yes. And I will call it to your attention if you want it?—A. I think not, not that I remember of.

Recross-examination by Mr. JONES:

- Q. How many collieries in the division which is under your inspection?—A. About 15.
 Q. And this young man whom you sent for in this particular instance works in one of these collieries?—A. Yes.
 Q. Did you at any time prior to this election ask any mine owner, superintendent of mines, or any manager of mines, or any inside or outside foreman,

or any foreman whatsoever of any mine under your jurisdiction to interest himself on behalf of Mr. C. C. Bowman, or any other candidate in this election?—A. No, sir.

Redirect examination by Mr. LENAHAN:

Q. You say that you didn't talk politics to any mine foreman during the last election canvass?—A. No, sir.

Q. No mine foremen?—A. No, sir.

Q. And no miner?—A. No, sir.

Q. To whom did you talk politics about the mines?—A. No one.

Q. Then the only time you opened your mouth to anyone working under you, in your jurisdiction, was when you sent for this young man and gave him this \$140?—A. Yes.

Q. This is positive, now, is it?—A. That is positive.

Q. You are sure about that?—A. Yes.

(Hearing adjourned until 10 a. m., Saturday, Mar. 18, 1911.)

SATURDAY, MARCH 18, 1911.

Hearing resumed at 10 a. m. pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq.; John E. Jenkins, Esq., counsel for contestant; A. C. Campbell, Esq.; Arthur L. Turner, Esq., contestant's commissioner; Evan C. Jones, Esq., counsel for contestee; John H. Dando, Esq.; William Bowman, Esq.; John A. Opp, Esq., contestee's commissioner.

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Saturday, the 18th day of March, 1911, at 10 o'clock in the forenoon at the office of W. S. McLean, Esq., No. 718 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania residing in the city of Wilkes-Barre in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Thomas Meehan, Avoca, Pa.; Martin Mullin, Avoca, Pa.; Walter Martin, Avoca, Pa.; Thomas Rowlands, Avoca, Pa.; William Hughes, Avoca, Pa.; P. H. O'Brien, Avoca, Pa.; Michael O'Brien, Avoca, Pa.; Patrick McKeon, Avoca, Pa.; Gus Carey, Avoca, Pa.; David Davis, Avoca, Pa.; William Timlin, Avoca, Pa.; Thomas Davis, Avoca, Pa.; W. H. Hollister, Avoca, Pa.; O. M. Lance, Kingston, Pa.; D. M. Rosser, Kingston, Pa.; T. R. Phillips, Kingston, Pa.; C. W. Laycock, Kingston, Pa.; Wilbur O. Search, Shickshinny, Pa.; Thomas H. Atherton, Wilkes-Barre, Pa.; W. O. Washburn, Wilkes-Barre, Pa.; Dr. William F. Roth, Wilkes-Barre, Pa.; Benjamin F. Williams, Wilkes-Barre, Pa.; Ernest G. Smith, Wilkes-Barre, Pa.; John P. Edwards, Plymouth, Pa.; Evan Jones, Plymouth, Pa.; William S. McLean, Wilkes-Barre, Pa.; A. C. Campbell, Wilkes-Barre, Pa.; George Wagner, Wilkes-Barre, Pa.; Rhone Trescott, Dorranceton, Pa.; John Mackay, Luzerne, Pa.

GEORGE R. MCLEAN.

Service accepted May 16, 1911.

EVAN C. JONES, Counsel for Contestee.

THOMAS H. ATHERTON, called on behalf of contestant, duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. You are a practicing lawyer in the city of Wilkes-Barre?—A. I am.

Q. And you have been for some time?—A. Thirty-four years; yes.

Q. And you were a voter at the last election, held November 8, 1910?—A. I voted.

Q. I will ask you whether you saw on the morning of Monday, November 7, 1910, an article published in the Wilkes-Barre Record of that date, and heretofore read in the record in this case, with the caption "Out for McLean. Liquor interests so decide at a meeting of Dealers." Whether you saw and read that article?—A. I read some such report, but I don't know where.

(Witness shown article.)

Objected to as being immaterial and irrelevant as to whether or not this witness read the article or any newspaper article.

A. Yes, sir; I saw that article.

Q. I will ask you whether that in any way affected your vote or had any effect in determining the way you voted in the congressional election?

Mr. JONES. The question is objected to for the reason that it makes no difference whatsoever whether or not it had any effect upon the witness's vote. If it be of any import at all in this matter the effect must have been the compelling cause of his vote on the congressional question.

A. I think it did; yes, sir.

Q. You think it did?—A. It is my impression that it did, as I stood undecided between the two, having been for a long time a close friend of both parties. I was a member of the Keystone Party, and we had no candidate for Congress, and I was in such a position between the two men, both of whom I cared very much for and had for a long time, and my present impression is that that article had an influence in determining my vote for Mr. Bowman.

Q. You are willing to say that you did so vote in the election?—A. Yes, sir.

Q. From your acquaintance with the community—you live in Wilkes-Barre?—A. Yes.

Q. From your acquaintance in the community in which you live and the conversation with the voters at and about and immediately following the election, are you able to say whether the publication of this article, in your opinion, adversely affected the vote cast for Mr. McLean?

Mr. JONES. If it is proposed to qualify this witness as an expert politician, we desire to cross him as to his qualifications. If it is simply proposed to introduce the evidence as hearsay evidence, of course, it is entirely inadmissible in this or any other judicial proceeding.

Q. What would you say about the effect of this article upon people?—A. It would work both ways it seems to me. Anybody interested in or allied with the brewing or distilling interests or the liquor traffic, it certainly would help his vote, but it worked the other way with me.

Q. And it operated that way with other people?—A. Possibly, if there were others who thought as I do.

Cross-examination by Mr. JONES:

Q. Even without that article you might have voted for Mr. Bowman?—A. I think I might. I was in sort of a grave uncertainty as to which of my friends to hit.

Q. Of course prior to the publication of this article you had heard, and it was a matter of general comment, that Mr. McLean was backed by the liquor interests in this fight?—A. I think that I had that general impression.

Q. It was pretty generally commented upon?—A. Yes; but I don't think it had any bearing or any special effect on me.

RHONE TRESCOTT, called on behalf of the contestant, and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Where do you live?—A. Dorranceton.
Q. How long have you lived there?—A. Twelve years.
Q. Were you a voter at the last election, held November 8, 1910?—A. Yes, sir.
Q. What is your business?—A. Chief special officer of the Lehigh Valley Coal Co.

Q. Whether your business takes you pretty extensively over the county of Luzerne, constituting the eleventh congressional district?—A. Particularly the upper end.

Q. By that you mean the Wyoming Valley, including the cities of Wilkes-Barre, Pittston, Nanticoke, Plymouth, and other boroughs over this upper part of the county?—A. Yes.

Q. What, from the speech of the people as you heard it about election time, was the effect of the publication of the article in the Wilkes-Barre Record

upon Mr. McLean's candidacy for Congress, the article being a statement that the liquor dealers had indorsed Mr. McLean's candidacy for Congress?—A. I will say—I don't recall the article in the Record, I don't recall that. I do recall the fact of a conversation, in fact, a number of conversations, with people about the indorsement of McLean by the liquor dealers.

Q. What was the effect, from the speech of the people, of the circulation of the report that such indorsement was made?

(Objected to as hearsay evidence.)

A. I can't say, only in one instance I heard a gentleman from Luzerne, John McKay, say that he had intended to vote for Mr. McLean, but the indorsement by the liquor interests changed him—changed his mind—and he was going down there that morning to tell him.

Q. You recall that instance?—A. I recall that instance; and, well, I heard from other people that McLean would have been elected if the liquor interests hadn't indorsed him. That seemed to be general talk around the country.

Cross-examination by Mr. JONES:

Q. After the election you heard a great many people say that if McLean hadn't been backed by the liquor interests he would have been elected?—A. Yes; I don't recall of but one instance before the election.

Q. Well, you have been interested in politics for a good many years?—A. Well, to a certain extent; yes.

Q. Wasn't it a matter of general comment for weeks before the election that McLean was allied with the liquor interests?—A. I believe I heard that.

Q. Wasn't it generally commented on before election that he was allied with the liquor interests?—A. Yes.

Q. And when you say that you heard after election from a number of people that he would have been elected, in their judgment, if he hadn't been backed by the liquor people, you have no reference to any particular indorsement?—A. No, sir; in fact the only—I don't recall the article in the paper about the direct indorsement. All I remember about that was what I heard McKay say.

Q. Didn't you hear people say that the agents of the breweries throughout this county traveled the county in McLean's behalf with marked ballots showing his name?—A. No; I don't remember that.

Q. Didn't you hear that agents of breweries were active in his behalf?—A. Yes.

Q. And you heard that before election?—A. Yes.

Q. It was generally known before the election?—A. I believe so; yes, sir.

Q. As a matter of fact, it was generally conceded by the people interested in politics before election that the liquor interests and the brewery interests were active in Mr. McLean's behalf?—A. I believe so; yes, sir.

Mr. JENKINS. And it was equally well recognized that C. C. Bowman also was actively seeking the support of the liquor men?—A. Yes; I believe so; I heard that, too.

Mr. JONES. Who told you that?—A. I couldn't say that now; but I believe that it was pretty well generally understood.

Q. You say that it was generally understood. Give me the name of one man who told you that C. C. Bowman was seeking the indorsement of the liquor men?—A. No; I don't say that; the question, I believe, was that he was—

Q. Answer the question.—A. I can't say that anyone—I believe that was well understood in all campaigns; I will say that.

Mr. JENKINS. And it was so understood in this one?—A. Yes.

Mr. JONES. But it was understood that he didn't have their interest or support?—A. I believe—yes; it was. That McLean had the indorsement; that was the understanding.

Q. Long before the day before election that was generally understood, wasn't it?—A. Yes.

JOHN MCKAY, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. You live in Luzerne borough, this county?—A. I do.

Q. And have for how many years?—A. In the neighborhood of 38 years.

Q. And you were a voter held—you were a voter at the last election, held November 8, 1910?—A. Yes, sir.

Q. Your attention is called to the article in the Wilkes-Barre Record of November 7, 1910, with the caption: "Out for McLean. Liquor interests so decide at a meeting of dealers." Did you read that article?—A. I read it early.

Q. Upon the morning of its publication?—A. I got the paper about 7 o'clock in the morning, and I read it as soon as I got the paper.

(Objected to as immaterial and irrelevant.)

Q. I will ask you what, if any, effect did that have upon your course as a voter with respect to the congressional election held the next day?—A. I—

(Objected to as immaterial and irrelevant, particularly in the form in which the question is put.)

A. It had a great effect.

Q. What effect did it have?—A. Well, it had this effect: That I intended to vote for McLean.

(Objected to as immaterial and irrelevant.)

Q. Who did you vote for?—A. Bowman.

Q. You were changed by the publication of this article?—A. That was the principal reason; that was the positive reason.

Q. What is your business?—A. Traveling man on the road; selling goods.

Q. Is Luzerne County, constituting the eleventh congressional district of Pennsylvania, within the territory you cover in your travel?—A. I take in most of the principal towns in Luzerne County and some of the smaller towns.

Q. Can you say, from your inquiries and from the speech of the people as you traveled about, whether the publication of this article affected other voters in the county in the same way as it did you?

(Objected to as hearsay evidence.)

A. After the election.

Q. From what you heard after the election, it did?—A. I don't know as I can account for other parties and persons.

Q. I am not asking you that, but whether or not you heard.—A. I understood so; myself for one. I have said that myself; I believe that it did.

Q. You have said that it changed your vote?—A. That I believed it had a great deal to do with his defeat.

Q. With respect to the speech of the people of the county, what was the effect of the publication of this article in the Wilkes-Barre Record?

(Objected to as immaterial and irrelevant.)

A. Well, I didn't hear it discussed very much, but I may have heard some here and there, possibly in the barber shop or where we were speaking about it, but I didn't pay much attention to it, as the election was all over and I paid but little attention afterwards.

Q. What effect did it have in the borough of Luzerne?—A. That I can't answer; I don't know what effect it had, because I didn't hear it discussed.

Cross-examination by Mr. JONES:

Q. You have been identified actively for a great many years in the prohibition movement?—A. In the temperance movement, you may call it.

Q. You have taken more interest in the temperance movement in the enforcement of the liquor laws than you have in the Prohibition Party movement?—A. Yes.

Q. And you have been associated with Mr. Bowman in the Antisaloon League?—A. Never in my life. I never met him, I think, until a week or two before election, up here at the Irem Temple. That is the first time I met him. I was introduced to him that night.

Q. At a meeting of the Shriners?—A. No; a banquet of the missionary movement.

Q. At a banquet?—A. Yes; that is the first time that I met him. I was introduced to him. I never saw him before and only once since.

Q. You had a talk with Rhone Trescott?—A. Yes; on the corner of East Market Street and the square in Wilkes-Barre.

Q. How long before the election?—A. On the morning when I saw that in the Wilkes-Barre Record.

Q. You said to him that you were going down to see McLean?—A. No; I have no recollection of it if I did.

Q. Didn't you say that you were going down to see McLean and see if that article was so?—A. I don't recall that.

Q. Did you make any effort to ascertain if it was so?—A. I asked Mr. Jenkins the same morning.

Q. And what did he say?—A. He said it was not so and I said it looked bad to have that in, and he said, "I don't believe that came from McLean," and I said, "How did anybody dare to put that in unless it came from him or somebody else for him or the Liquor Dealers' Association?"

Q. What time was that?—A. Between 10 and 11 o'clock.

Q. Then, between 10 and 11 o'clock on the morning of the day before election, Mr. John E. Jenkins, one of the counsel for Mr. McLean, told you that the article was not true?—A. Yes.

Q. And you have known Mr. Jenkins for a long time intimately?—A. Yes.

Q. And he has been your counsel at various times in court proceedings against the liquor interests?—A. Once in awhile.

Q. And you have a great deal of confidence in Mr. Jenkins's word?—A. I had; yes, sir.

Q. Did you take that newspaper article against his word?—A. I didn't, because I didn't think that anybody would put that in unless it was true.

Q. Mr. Jenkins told you that it was untrue?—A. That was his idea; he didn't know whether it was true. That was his idea. He didn't know for sure any more than I did.

Q. Did he tell you in his judgment that it was not true?—A. In his judgment he said that he didn't believe that it came from McLean.

Q. Did you make any other investigation to ascertain whether or not it was true?—A. I didn't. I went home from there after I talked to him and I stayed home until after election. I saw him on election day probably, but I took no more interest in it.

Q. You heard politics discussed before election in your travels around the county?—A. Not so very much.

Q. Didn't you hear anyone say before the election that Mr. McLean was the liquor candidate?—A. It seems to me that I did. Yes; I heard that.

Q. That was at least sometime before you read this article?—A. Some weeks before, but I can't state where or when.

Q. Did you hear that brewery agents were circulating specimen ballots with his name marked on it?—A. That I didn't hear.

Q. Did you hear that brewers were actively engaged in his behalf?—A. I can't recall.

Q. Didn't you hear after the election that brewery interests were actively engaged in his behalf?—A. I heard that; yes.

Q. It was pretty well conceded that they were on election day actively engaged in Mr. McLean's behalf?—A. I can't say that.

Q. It was pretty generally talked, wasn't it?—A. I was home a great deal and have not been away from home.

Q. But you heard it?—A. Heard it somewhere; I was not interested particularly.

Redirect examination by Mr. JENKINS:

Q. Whether or when you called my attention or spoke to me about the article, as you have given your testimony in cross-examination, I didn't call your attention to the nature of the article and express the opinion that it bore all the appearances of being a fabrication, or words to that effect?—A. Words to that effect is what you said, but I thought it must be true.

Q. You believed it?—A. Yes; I believed it.

Q. You said that you heard that the liquor dealers supported McLean before the election. Whether or not you did not also hear that Mr. Bowman was eagerly seeking the support of the liquor dealers?—A. I heard something of that kind, but I didn't think that it could be true that Mr. Bowman was that kind of a man.

Q. That is because he was president of the Antisaloon League, you knew that?—A. That is my impression; I didn't know him personally.

Q. Was your attention called to the fact that there was an advertisement appearing in the Nanticoke News and referring the liquor dealers to Brewer Dick Hughes and Liquor Dealer John Kehoe, of Pittston, for the character of Mr. Bowman as a friend of the liquor dealers?—A. I never knew anything about it.

Q. Did you hear that he had in his employ a liquor dealer, a wholesale liquor dealer, who was going around the saloons of the county correcting the impression that existed in the minds of the liquor dealers concerning him?—A. I never heard of such a thing. I never knew it, positively.

OSCAR LANCE, called on behalf of contestant, and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. You are a resident of the borough of Kingston and have been for many years?—A. Yes; for 10 or 11 years.

Q. And you have been a resident of Luzerne County for a great many years?—A. Since 1875.

Q. And you were a voter at the last election, held November 8, 1910?—A. Yes, sir.

Q. I call your attention to an article which appeared in the Wilkes-Barre Record on Monday, November 7, 1910, with the caption, "Out for McLean. Liquor dealers so decide at a meeting, etc." I will ask you whether you read that article at the time it was published?

(Objected to as immaterial and irrelevant.)

A. I can't say whether I did or not.

(Witness shown article.)

A. No; I don't believe that I read that article, but I heard about it.

Q. From the speech of the people in the community, as you have heard them about and immediately following the election, I will ask you whether that article injured the candidacy of Mr. McLean for Congress?

(Objected to as being first, immaterial and irrelevant, and secondly, being too indefinite, and third, it being a request for an opinion from a witness who has not qualified as an expert, and fourth, because it is based on hearsay evidence.)

Q. Will you qualify as a political expert?—A. I am afraid I can't.

Q. Answer the question.—A. I think that one or two people did say to me that this article would be an injury to McLean. That is not, however, my opinion; that is what I heard.

Q. You are now giving what you heard?—A. From one or two people.

Cross-examination by Mr. JONES:

Q. You say that is not your own opinion?—A. Why, no.

Q. But one or two people told you before election that they thought that would injure him?—A. Yes, sir.

Q. In your opinion it would not injure him, would it?—A. I think it would work both ways with the people affiliated with the liquor interests; they would support McLean, and people who were extremists on the other side would vote against McLean. It would effect the extremists in both parties.

Q. Did you hear it generally talked before the election or before you heard that article discussed that all the liquor interests in the county were actively interested and were interesting themselves in McLean's favor?—A. I can't say that I did.

OLIN HARVEY recalled by contestant.

Examination by Mr. JENKINS:

Q. Have you brought with you this morning from the prothonotary's office the returns of the board of mine examiners of Luzerne County?—A. Yes, sir.

Q. For what year are those returns that you have brought with you?

Mr. JONES. Any testimony from Mr. Harvey is objected to for the reason that no notice has been served upon the contestee or his counsel that Mr. Harvey would be called at this meeting, nor was any notice served upon the contestee or his counsel at the last adjournment or at any adjournment of any meeting prior thereto at which he testified that he would be called at this meeting for this or any other purpose.

Q. You are the Mr. Harvey who was sworn here before, and you testified that you were a clerk in the office of the prothonotary of Luzerne County?—A. Yes.

Q. You are the deputy prothonotary of Luzerne County?

Mr. JENKINS. Counsel for contestant states on the record, replying to the objection of the counsel for the contestee, that notice had heretofore been given, to wit, on the date of February 16, 1911, and service being accepted as of that date, by F. W. Wheaton, attorney for contestee, that T. M. Powell, prothonotary of Luzerne County, would be produced as a witness on Saturday,

February 18, 1911, and this witness was produced pursuant to that notice, and has not been excused from attendance.

MR. JONES. Contestee insists upon his objection to this witness for the reason that nowhere in the records in this case does the name of this witness appear.

Q. Now answer the question. For what year are those returns that you have brought with you?—A. One is headed, "Statement of subboard No. 3, of the miners examining board of Luzerne County for the three months of November and December of 1910, and January, 1911." The second one is headed, "Quarterly report of miners examining board No. 2 of Luzerne County." Part of the paper calls for the report of the number of miners and men of each nationality from board No. 2 from February 5, 1910, to January 3, 1911. The third is a report, "Report of miners examining board No. 1, or quarterly report, from November 1, 1910, to January 31, 1911." Another sheet is, "Report of number of miners and men of each nationality from board No. 1, from February 5, 1910, to January 31, 1911." There doesn't appear to be any number and nationality from board No. 3.

Q. Do these three boards or the three subboards that you have given constitute and embrace the whole of the district of Luzerne County?—A. I don't know as to that; I am not familiar with the districts.

Q. What is the total number of miners and the nationality of the same shown to be employed in Luzerne County by the reports of the miners examining boards that you have produced during the year—how many were shown to have been employed during the year 1910, and the nationality of them?

MR. JONES. Does the law of Pennsylvania require that every miner shall be a voter?

A. I am not familiar as to that; I don't know.

Q. Don't you know as a matter of fact that a man can work in the mines without being a voter or a naturalized citizen?—A. Yes, sir.

Q. Then these reports would include all the men employed as miners in the mines?—A. With a certification of miners.

Q. Whether they be voters or naturalized citizens or not?—A. I am not sure as to that; but I understand that anyone complying with the requirements of law can obtain a certificate. Whether or not he must be a citizen or voter, I don't know.

MR. JONES. Counsel for the contestee object to this testimony as immaterial and irrelevant, and secondly because the question covers a period subsequent to the election, and third because this can have no possible bearing on this issue and be of no particular value to it, for the reason that none of these men mentioned in these reports are necessarily qualified electors or naturalized citizens.

Q. Now answer the question: What is the total number of miners and the nationality of the same shown to be employed in Luzerne County by the reports of the miners examiners boards that you have produced, during the year 1910, and the nationality of them?—A. Report of number of miners and number of each nationality from board No. 1, February 5, 1910, to January 31, 1911: English, 237; American, 549; Welsh, 451; Irish, 234; German, 216; Scotch, 20; Russian-Polish, 1,954; Lithuanians, 1,042; Austrian-Polish, 416; Austrian-Slavish, 455; Russian, 238; Italian, 345; Hungarians, 15; Swedes, 11; Denmark, 1; Canada, 2; Prussian, 1; Morgi, 1; Teroals, 11; Bohemians, 2; total, 6,202.

Q. Now, give the figures for district No. 2, covering the same period.—A. Report of board of miners showing the number of miners and the number of each nationality, from board No. 2, from February 5, 1910, to January 31, 1911, is as follows: Polish, 1,945; Lithuanians, 889; Italians, 686; Slavish, 481; Russian, 518; Austrians, 330; Americans, 712; Welsh, 290; English, 152; Irish, 185; Germans, 216; Greeks, 1; Swedes, 3; Hungarians, 33; Dutch, 2; Servians, 1; Scotch, 14; "Blanke lines," 16; total, 6,474. There does not appear to be any report of the number and nationality from board No. 3.

Q. You say that the figures for subdistrict No. 3 are not in your possession now, among the files that you have produced?—A. No; they are not here.

Q. I will have to ask you to make further examination on your return, and if you find a further report from subdistrict No. 3 to produce these later in the day.—A. Very well.

Q. Are you able to identify the voting district of Luzerne County that is known as the Cork Lane district?—A. Yes.

Q. What district is it?—A. The south district of Pittston Township.

Q. And what is the district known as the Brownstown district?—A. The official name is the fourth district of Pittston Township.

Q. In what voting district is Inkerman?—A. Inkerman is the south district of Jenkins Township.

Q. And in what district is Port Griffith?—A. The middle district of Jenkins Township.

(No cross-examination.)

THOMAS R. PHILLIPS, called on behalf of contestant, and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. You are a resident of the Borough of Kingston?—A. Yes, sir.

Q. And you have been for how many years?—A. Twenty-eight.

Q. What is your occupation?—A. I am engaged by the Plymouth Coal Co.

Q. I call your attention to an article in the Wilkes-Barre Record of November 7, 1910, entitled "Out for McLean, liquor interests so decide at a meeting of dealers," and show you the article, and ask you whether or not you read that article at the time of its publication?—A. Yes, sir.

Q. What, from the speech of the people in the community as you heard it at and about the time of the election and immediately following, was the effect of the publication of that article upon the election of Mr. McLean?

(Objected to as hearsay evidence.)

A. Well, that it was adversely to Mr. McLean's interests.

Cross-examination by Mr. JONES:

Q. Do you mean that this particular article was the only thing you heard discussed, or was it the activity of the brewery and liquor interests in McLean's behalf in the campaign?—A. This article was adverse to him and affected him adversely.

Q. Did you hear this before election?—A. Before and after.

Q. How could it affect him adversely before election?—A. Why, Mr. McLean was only beaten by just about the amount, or less, than the prohibition vote, wasn't he?

Q. I don't know. You say this affected him adversely, and that you heard that before election?—A. And after, particularly after.

Q. Confine yourself particularly to what you heard before election. Do you mean to say that you had heard that it affected him before election?—A. It would on election day, but it wouldn't afterwards.

Q. You take an active interest in politics, more or less?—A. No.

Q. Did you hear it discussed through the county, or wherever you met men, that McLean had the support of the liquor interests before you saw that article?—A. I don't go through the county, I go from Wilkes-Barre to Kingston.

Q. You go sufficiently to hear the reports after election?—A. Right in this neighborhood.

Q. In this building?—A. In Wilkes-Barre, Kingston, and Plymouth.

Q. Didn't you hear it discussed that the brewery interests were active in his behalf during the election?—A. I heard that said, you mean?

Q. Yes; and you heard that they had been active in his behalf and had hurt him, didn't you?—A. No; I didn't.

Q. But, as a matter of fact, you did hear that they had been active in his behalf?—A. I know that Mr. Bowman's friends were circulating that report—that the liquor interests were for Mr. McLean.

Q. Did you hear that before the election?—A. I heard that before the election; yes, sir.

Q. How long before election?—A. I don't know; during the campaign.

Q. It was generally talked during the campaign, no matter who circulated it?—A. Certainly.

Q. That the liquor interests were friendly to McLean in this fight?—A. Yes; the supporters of Bowman were circulating that report.

Q. What supporters were circulating that report?—A. Generally the supporters of McLean—that was in the air.

Q. You don't know who circulated it though, do you?—A. I don't know; no, sir.

Q. But, generally, before election, it was in the air, you say, that McLean was the liquor interests' candidate?—A. That the supporters of Mr. Bowman were circulating that report.

Q. It was generally known through this community, no matter who circulated it?—A. Yes.

Q. A week or two before the election?—A. Yes.

Q. And perhaps longer than that you heard reports on the street, and it was in the air, that McLean was the liquor interests' candidate?—A. That was in the air; yes, sir.

Q. Anybody else who listened to politics heard the same thing?—A. Yes; that was being circulated.

Redirect examination by Mr. JENKINS:

Q. That was being circulated, you say, by Mr. Bowman's supporters?—A. Yes, sir; on the face of it.

Q. And did you also hear that Mr. Bowman was also seeking the support of the liquor dealers?—A. Yes; I heard he was sparring with them.

Q. You heard also that Mr. Richard Hughes was supporting him?—A. I never heard any names, but I heard that he was also sparring with them as a counterirritant.

Q. Did you read the publication in the Nanticoke News of Mr. Hughes to the effect that Mr. Hughes and Mr. Kehoe, of Pittston, would certify to the good character of Mr. Bowman as a friend of the liquor dealers?—A. Yes; I heard about that.

Q. Did you hear about Mr. Bowman having a former liquor dealer going through the saloons in the county correcting the impression existing in the minds of the liquor dealers concerning him?—A. No; I didn't hear that.

Q. You did hear that Bowman had previously posed and stood as a temperance man in the community?—A. Yes.

Q. And that if work of that kind were being done by him it would have to be done by proxy?—A. I don't know anything about that.

Q. Well, I will withdraw that, because the witness can't answer that.

Recross examination by Mr. JONES:

Q. You say that the report was circulated as a counterirritant that Mr. Bowman was sparring with the liquor interests too?—A. I suppose; yes, sir.

Q. You don't know that Mr. McLean paid for some of the counterirritation in the form of advertising?—A. I don't know.

Q. Did you see, the night before election, about half a column of that counter-irritation headed, "C. C. Bowman, Friend of the Liquor Interests"?—A. I believe that I did see that.

Q. Do you know that George R. McLean paid for that?—A. Indeed I don't.

Q. In politics you are a Democrat?—A. Yes.

B. F. WILLIAMS, called on behalf of the contestant and duly sworn.

Examination by Mr. JENKINS:

Q. Where do you live?—A. In Wilkes-Barre.

Q. How long have you lived here?—A. All my life, about 40 years.

Q. What is your occupation?—A. Civil engineer.

Q. I call your attention to the article that has been referred to in the testimony of the previous witnesses here, published in the Wilkes-Barre Record of November 7, captioned, "Out for McLean. Liquor interests so decided at a meeting of dealers." Did you read that article on the day of its publication?—A. I did; yes, sir.

Q. You were a voter at the last election?—A. Yes.

Q. What, from the speech of the people as you heard it at and immediately after the time of election, was the effect of that article upon Mr. McLean's candidacy for Congress?

(Objected to as hearsay evidence.)

A. I will have to qualify my answer. Among some people I should think that would injure the chances of Mr. McLean.

Q. I am asking you what it was, if you know, from what you heard at the time, not what you think it might be?—A. I had really no knowledge outside of the hearsay.

Q. That is what I mean. What effect did it have, from what you heard, upon the candidacy of Mr. McLean?—A. The effect was to injure Mr. McLean's candidacy among a certain character or class of men.

Cross-examination by Mr. JONES:

Q. What was the qualification that you were going to make to that answer?—A. I heard from men that this article was—that they felt that this

article was a sort of a boomerang for McLean. Many men who were opposed to liquor, that it would hurt McLean in his candidacy, but I couldn't say who these men were who told me, or how large a number of them I couldn't say. It was the general hearsay that I had gotten hold of and got fixed in my mind that that sort of thing would hurt McLean.

Q. Long before this article appeared you heard generally in your travels about all over that the liquor interests were active in McLean's behalf?—A. Yes; I did.

Q. And it was generally understood and the general talk that the liquor interests were active in his behalf?—A. Yes; and I also heard that they were a little bit active for Mr. Bowman.

Q. Who told you that they were active for Bowman?—A. I can't say, and I can't say who told me that they were active for McLean.

Q. But the talk that you heard after election was generally that the candidacy of the liquor interests in McLean's behalf in some places had injured him?—A. Yes.

Mr. JENKINS. And you heard this injury attributed to this report to which I have called your attention?—A. I think it would be; yes, sir.

GEORGE WAGNER, recalled by contestant.

Examined by Mr. JENKINS:

Q. Have you produced here the expense accounts of C. C. Bowman, candidate for Congress, and Jonathan R. Davis, his manager, and county chairman?—A. I have.

Q. Give us the aggregate amount of Mr. C. C. Bowman's expenses, the expense account, as filed for the campaign at the primaries for the nomination for Congress.

(Objected to as being, first, immaterial and irrelevant in this issue. Secondly, so far as this inquiry is concerned, it is a matter of absolutely no consequence as to what money Mr. Bowman spent in his primary campaign for the nomination or how he spent it. Third, it is objected to because, under the act of assembly of this State in such cases made and provided, a remedy is provided for the attacking of the primary account within the period fixed by statute for the filing of the same, and this was not done by anyone in this particular case. The contestant neither now nor at any time has any standing to begin a contest on the nomination of Mr. Bowman by the Republican Party, for the express reason that he is not and never was and never pretended to be a member of the party; and, fourth, it is objected to for the further reason that the notice of contest in this case served upon the contestee contains no allegation of money illegally expended at the primaries.)

A. Disbursements, \$4,475.

Q. That account is signed by Charles C. Bowman?—A. Signed "Charles C. Bowman," signature of candidate.

Q. And sworn to when and before whom?—A. On June 18, 1910, before R. M. Keiser, clerk of the quarter sessions, per George Wagner, deputy clerk.

Q. In like manner give the expense account produced by you as filed by Jonathan R. Davis.

(Objected to for the reason read into the record as to Mr. Bowman's primary account.)

A. Receipts, \$4,400; disbursements, \$4,383.70; balance, \$16.30.

Q. And likewise that is sworn to on what date?—A. Signed by Jonathan R. Davis, and sworn to on June 16, 1910, before R. M. Keiser, clerk of the quarter sessions, per George Wagner, deputy clerk.

Q. In like manner give the aggregate expense account as filed by Mr. Bowman and also by Mr. Davis for the election held November 8, 1910.—A. C. C. Bowman, expense account for election, disbursements, \$7,194.40.

Q. When was that signed and sworn to?—A. It was signed by C. C. Bowman and sworn and subscribed on December 3, 1910, before R. M. Keiser, clerk of quarter sessions, per George Wagner, deputy clerk.

Q. Now, give me the account of Jonathan R. Davis. Give the aggregate amount of that expense account received by the accountant from C. C. Bowman, candidate.—A. Acknowledged as received from Hon. C. C. Bowman, \$7,194.40.

Q. Now the other items.—A. The other receipts?

Q. Yes.—A. Republican State Committee, \$500; Hon. H. W. Palmer, \$100; Hon. S. R. Catlin, \$250; Hon. E. R. James, \$250; Hon. Edward Watts, \$100;

Hon. W. W. Hall, \$25; R. P. Broadhead, \$25; Gen. Paul A. Oliver, \$10; W. Leavenworth, \$10; county officers, \$520; total, \$8,984.40.

Q. That was signed and sworn to when?—A. Signed by Jonathan R. Davis, and sworn to on December 8, 1910, before R. M. Keiser, clerk of the quarter sessions, per George Wagner, clerk.

(No cross-examination.)

CHARLES W. LAYCOCK, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. You are engaged in business in the city of Wilkes-Barre and have been how long?—A. About 29 years in business here.

Q. You were cashier for a great many years for the Anthracite Savings Bank?—A. Yes, sir; nearly 20 years.

Q. You were a voter in Luzerne County at the last election?—A. Yes, sir.

Q. Did you see the article published in the Wilkes-Barre Record on Monday, November 7, 1910, captioned "Out for McLean; liquor interests so decide at a meeting of dealers?"—A. Yes, sir; I saw the article, but I don't remember reading it all, but the gist of it.

Q. What, from the speech of the people in the community as you heard it immediately following election, was the effect of the publication of this article upon Mr. McLean's candidacy for Congress?

(Objected to as hearsay evidence.)

Q. Go on, Mr. Laycock.—A. I didn't hear very much, only one man said that it changed his mind; that is all.

Q. In what way?—A. Well, that he had intended voting for Mr. McLean, and he made up his mind to vote for the other man.

Q. He changed his mind to vote for Bowman?—A. Yes, sir.

(No cross-examination.)

ERNEST G. SMITH, recalled on behalf of the contestant.

Examined by Mr. JENKINS:

Q. Mr. Smith, you are the Mr. Smith called and sworn in this case before?—A. Yes, sir.

Q. You are one of the editors of the Times-Leader of Wilkes-Barre?—A. Yes, sir.

Q. Mr. Smith, I call your attention to the article which appeared in the Wilkes-Barre Record November 7, 1910, which has been read into the record in this case, entitled "Out for McLean; liquor interests so decide," etc. I think you testified you read that article.—A. No, sir; I wasn't questioned on that article.

Q. You did read that article?—A. Yes, sir.

Q. In the month of November 7, 1910, you were actively engaged in newspaper work in the city of Wilkes-Barre?—A. Yes, sir.

Q. You did read that article?—A. Yes, sir.

Q. From reports coming to you as a newspaper man, what, from the speech of the people, what effect did the publication of this article have upon the candidacy of Mr. McLean for Congress in the election held the day following its publication?

(Objected to as being hearsay testimony.)

A. As far as I am personally concerned I don't think it had any effect.

Q. You mean on you?—A. No, sir; I mean on me.

Q. I am asking you what effect it had upon the community, so far as you have been able to learn from the speech of the people, from the reports that came to you?—A. Well, I have heard it, and did hear it at the time, and later several people spoke of the article in question as being or having an influence or a tendency to influence their voting at the poll at the election following.

Q. Influencing them in what way with respect to the candidacy of Mr. McLean?—A. Against those who were indorsed by the Liquor League, or what ever their official title is.

Q. Including Mr. McLean?—A. Yes, sir.

Cross-examination by Mr. JONES:

Q. You say that in your personal opinion it didn't hurt Mr. McLean at all?—A. In my personal opinion, no.

Q. Don't you know from your personal investigation and as chairman of the Keystone Party that the brewery interests and liquor interests of this community were active in Mr. McLean's behalf?

(Objected to. That is not cross-examination and it is objected to as such, being a part of the affirmative proof of the contestants in chief.)

Q. You may answer.—A. Will you read the question?

(Question read.)

A. Well, my own personal investigation disclosed nothing that would lead me to believe that. However, the stories that were told me by other people would indicate that there was an interest of the liquor dealers in behalf of Mr. McLean.

Q. I refer particularly to an automobile trip taken by you with others the afternoon of election day, taken by you with officers of the Keystone committee to various polling places and districts. Do you say that you didn't get personal knowledge on that afternoon of the activity of the brewery interests in behalf of McLean?—A. Well, I don't know whether that is good evidence or not.

Q. It is not for you to decide.—A. Yes; it is as to my decisions. My decision is not easily influenced about things; not as easily as others.

Q. I am not asking you whether it influenced you. I am asking you what you found.—A. Well, what we thought we found on that automobile trip was rather a combination of the interests of McLean and Tener, from our interviews with the men around the polls.

Q. Didn't you find a McLean-brewery-Tener combination?—A. We found from the workers what we considered a combination of McLean and Tener.

Q. And you found that pretty generally, didn't you?—A. Yes; in the districts on the hill we did, particularly.

Q. I direct your attention to an article in the Times-Leader of the date of Thursday evening, November 10, 1910, headed, "Brewery interests play with fire in an attempt to control the elections. Interference by plug-uglies and bar-room loafers to coerce and intimidate decent voters meets with stern rebuke by liberty-loving citizens." I ask you if you didn't write that article?—A. Let me see the article. Yes, sir; I wrote that article.

Q. I direct your attention to this particular portion of that article: "By the unsought indorsement of McLean by the Heffernan brewery combine, McLean was defeated. He was 1,500 to 2,000 stronger than Bowman before Sunday. He had the voluntary support of nearly every friend of John J. Casey, who were Keystoners first, but were giving a helping hand to McLean on the outside. But when these fighters for decent government found an array of poll men of both old parties on the job with Tener-McLean brewery instructions, the fight was over in an hour and McLean's fine majority melted. Knowing that the combination would hurt the Keystone movement, every Keystone worker dumped McLean when necessary to protect the ticket and Casey. It is not charged here that George R. McLean was a party to this deal. The Times-Leader backed his candidacy to the last and felt certain of his election. But some very misguided friends of his did set up a deal, and the very influences McLean might have had at the last went against him at the polls. If the friends of McLean doubt the combination of the Tener-McLean and brewery at the polls, or if any good staunch Republican or Democrat doubts the bargain and sale of their parties by this combination, the Times-Leader will furnish absolute proof of the combination by names and facts verified by an automobile trip through the county on the afternoon of election day. John J. Casey, Levi Lynch, Dan Gallagher, Col. W. P. Murphy, Hon. F. C. Kirkendall, and County Chairman Ernest G. Smith were members of this automobile party and each will furnish all the evidence required." You wrote that?—A. I did.

Q. And in writing that you of course tried to have that article which was intended for the public reading adhere as closely as possible to the facts?—A. I always do; yes, sir.

Q. Now, on that afternoon you were "County Chairman Ernest G. Smith" referred to in this article?—A. Yes, sir.

Q. How many polls did you visit?—A. I should imagine about 15—15 voting places, precincts, whatever you call them.

Q. Where—generally where?—A. The East End; I suppose it is called Brewery Hill, where we started. We went out Market Street. The first poll we stopped at was for Fuerths, and then another polling place on West Market

Street. Then, from there up through the East End; from there up through the Pittston district and down the West Side; that was the general outline of this trip.

Q. You covered a good portion of the upper end of the county?—A. Yes, sir; I guess so.

Q. I neglected to read in the portion of the article which I have read in the record the headline, the special headline which?—A. Well, I didn't write that.

Q. Who wrote into this article, a portion of which I have read into the record, the special heading, "How McLean lost power?"—A. I couldn't tell you; probably the city editor.

Q. That is McGuire?—A. Yes, sir.

Q. Well, you say in there that the reason why McLean's fine majority melted was because these clean young men who were watchers of your party, the Keystone independent movement, discovered at the polls that there was an array of the poll men of both old parties on the job with Tener-McLean brewery instructions?—A. I stated that.

Q. And you believed that to be true when you wrote it?—A. Yes.

Q. From the facts and from the conversations with your poll men they were largely young men who were independent?—A. Yes, sir; most of them.

Q. And a good many of them were Irish-Americans and were friendly to McLean prior to the knowledge that they ascertained at the polls of this combination?—A. Well, their knowledge—their friendship began to cease. Of course, the article does not refer to that. I want to make myself straight, because the article does not state that. Early on the morning of election day these men mentioned came down to the office, as they had been coming frequently on matters of Keystone business and relative to John J. Casey's campaign, and they were talking in a general way about the Record story of the morning, about the liquor interests indorsing Mr. McLean, and were very much wrought up over the way that things looked to them from the rumor, because early in the morning the polls were not opened very long and they hadn't visited the polls. So we then decided to get an automobile and go out and make a circle around and see how things were going and encourage our friends, but we were until after dinner before we could secure an automobile. It might have been around 11 o'clock, somewhere around there, before we could secure an automobile. We had ordered one, but it had broken down in the garage of the Wilkes-Barre Automobile Co., and so we were delayed, I think, until about noon before we got started. On this trip we went down—we will call it South—from different polling places and called out the men that these men knew. As a matter of fact, I didn't know, personally, many workers about the city of Wilkes-Barre, about the polls. I am not a politician and am not acquainted.

Q. What did you find on that automobile trip which caused you to write this article?—A. The story as told by these men whom we called out was all in the lower sections, the places that we visited; that is, in the east end and Brewery Hill particularly. It was to the effect, and everyone there was working for Tener and McLean; and since these interests we called out—many of them were brewery workers, connected with the brewery—then it led to the inference that the Tener-McLean-brewery combination was the thing they were working for. That is the basis of that story.

Q. Now, you have only told us of the two populous portions of the city of Wilkes-Barre, where you found this combination. Did you find it in Pittston?—A. Not necessarily so; not nearly so strong as we found it here.

Q. Then, you did find evidence in Pittston of McLean-Tener combination, McLean-Tener-brewery combination, at the polls?—A. In one or two places.

Q. Where else did you find it?—A. I believe this is the only place that we found it.

Q. What did you mean by writing this part of the article, "The Times-Leader will furnish absolute proof of the combination by names and facts, verified by an automobile trip through the county on that afternoon of election day"? A. Just what I have said here. Our interviews with the men at the polls lead to that conclusion. That conclusion was shared by the other men who took this automobile trip.

Q. In other words, those of you interested in the independent political movement, which was State wide, and friendly to Casey, a local candidate on the ticket for State office, you made this trip and ascertained what was doing as far as possible at each poll that you visited?—A. Yes.

Q. And you say from the result of your investigation you were so moved from the information given you by reliable persons that you wrote this article?—A. Yes.

Q. And you stand by it now?—A. I do.

Redirect examination by Mr. JENKINS:

Q. I will ask you a few questions about the matters brought out by the counsel for the contestee on cross-examination. You say that stories were told you prior to the election that McLean was being supported by the brewery interests? I will ask you whether these stories were, to your knowledge, put in circulation by the friends of Mr. Bowman and workers in the campaign?—A. No; not those I relied upon in forming my judgment. As I recall, Mr. Bowman's friends were active enough in the circulation of these rumors, but the information that I relied on in connection with that was things that transpired aside from Mr. Bowman's connection.

Q. You had also information that the liquor dealers were active for Mr. Bowman?—A. I heard rumors about that, which is about the same as the other.

Q. You heard similar rumors about the liquor interests supporting Mr. Bowman?—A. Yes, sir.

Q. You get in your exchanges the Nanticoke News?—A. I never read it, however.

Q. It comes to your table as an exchange?—A. Yes.

Q. Did you happen during the campaign to read an article in the Nanticoke News in which the latter referred to Brewer Richard Hughes, of Pittston, and Jack Kehoe, of Pittston, liquor dealers, and who were friends of Mr. Bowman, who would certify to his character as a friend of the liquor dealers?—A. I don't believe I read it. I heard it here the last time that I was here.

Q. Did you hear of any men circulating through the saloons of Luzerne County during the campaign in the interest of Mr. Bowman, correcting the impressions existing in the minds of the liquor dealers concerning Mr. Bowman?—A. No; I didn't hear anything of that sort.

Q. Did you hear of Mr. Bowman attending a meeting of the liquor dealers and making an address to them?—A. Yes, sir; I heard that.

Q. As to this article which counsel for the contestee has called your attention to, and from which he has read a portion, including the headlines, I will ask you if you wrote the headlines?—A. No; I never write headlines.

Q. You say that from information you had received you drew the inference that the Teuer-McLean-brewery combination was operating. I will ask you whether as a part of the information you thus received and acted upon, did you include the article which appeared in the Wilkes-Barre Record, one of the leading papers of this county, on November 7, to which your attention has been called?

Mr. JONES. We won't urge any objection to the form of the question.

A. Undoubtedly a story of that kind, coming in the heat of the campaign, had an influence in that direction.

Q. And it especially influenced these young men you told about, the volunteer workers in campaign?—A. Yes; from their story, in the early morning it did.

Q. And at that time neither you nor any of these young men working for the Keystone Party had any information concerning the origin of the story. "Out for McLean," as it has been referred to in the testimony in this case, and you accepted it as a bona fide piece of news; isn't that true?—A. Yes; in a general way that is true. I tried to find out, about—I tried to find out about that endorsement the day following, and not being able to find out either one way or the other, although I interviewed quite a good many people who should have known, the story was written for our paper and which I wrote the same afternoon, I let the matter slip just as easily as possible.

Q. You—being unable to verify the article in the Record in the morning—you in the afternoon issue published it as a report that had been circulated and not as authority by your paper?—A. Yes.

Recross-examination by Mr. JONES:

Q. But, notwithstanding any article which appeared in the Wilkes-Barre Record in the morning before election day, you wrote this article as based upon facts given you by your workers at the polls on the afternoon of election day?—A. The article of the 10th?

Q. Yes.—A. Yes.

Q. And after your clean young men had told you what they had found and seen around the polls?—A. Yes.

Q. You say that after you saw that article in the Wilkes-Barre Record you made some effort to verify it?—A. Yes.

Q. What effort did you make?—A. I talked to Mr. John Clifford about it.

Q. The hotel man?—A. Yes.

Q. Did you call up Mr. McLean?—A. No.

Q. You had several talks with Mr. McLean during the campaign?—A. One that I remember of.

Q. You and he were at college together for at least three years?—A. We were.

Q. And were very friendly?—A. Yes, sir.

Q. At that time did you call Mr. McLean's attention—at that time did you call at Mr. McLean's office to see whether that was so?—A. No, sir.

Q. You made no effort to see Mr. McLean or anyone in his behalf?—A. I thought it was up to see him about that, but I made a personal effort to ascertain the truth of it.

Q. If you had been asked to deny it, you would have been very glad to have done so?—A. Yes, sir.

Q. As a matter of fairness?—A. Yes, sir.

Q. I show you an article of the issue of the Times-Leader of Monday evening, November 7, 1910, the afternoon before election day, headed, "Brewery offices look like banking houses, giving out money for Tener." Did you write that?—A. No; I don't think that I did.

Q. If you didn't write it can you furnish me the information who did write it? Look on the next page and see if there is not some of your epigrammatic language there?—A. Part of that at least is mine, but I don't remember the first part.

Q. What part of it?—A. The latter part.

Q. Beginning with what line, to the best of your recollection?—A. This indorsement of Mr. Stack, I remember, I wrote, and everything following that, I am sure.

Q. In his article I refer you to the following language: "An unusual factor has entered the present campaign in the shape of open brewery affiliations with the Republican machine. Some of the local brewery offices look like political headquarters these days. That they have cut loose from all traditions of the past and are now clearly indicating the hold they have long claimed on the political situation was evidenced at a meeting of the entire liquor interests of the valley last evening at Concordia Hall. This organization is known as the Liquor Dealers' Association. Naturally they indorse Tener and the Republican State ticket. It is said that they indorsed the Democratic nominee for Congress." Who wrote that?—A. I did.

Q. And the investigation you made was made prior to writing this?—A. Yes; that morning.

Q. And after you had made your investigation you saw fit to place before the public this statement: "It is said that they indorsed the Democratic nominee for Congress"?—A. Yes, sir.

Q. And you said that after you had talked with several retail liquor dealers who were present at the meeting? Answer that, yes or no.—A. Yes; as appears in the testimony, the results of my talks with these liquor dealers gave no indication one way or the other what had been done at the meeting.

Q. Didn't they know?—A. If they did they gave some excuse for not telling me. Mr. Clifford said he was not present at the meeting and said that a big mistake was made as to indorsing anybody, if they did that. I have forgotten who else I saw, but I believe two others, and they for some reason or another would not tell me the facts, so in the proposition, "it is said," I acted on what the morning paper said about it.

Q. You printed it practically out of a newspaper instinct, that an important article of that kind not being denied you assumed it to be true?—A. I didn't want to neglect any feature of the campaign. I was writing, as I believed, a story relative to the campaign.

Q. A true story?—A. Yes.

Q. And you wrote an article on the front page of your paper entitled, "Liquor men scared to unusual activity"?—A. That is not mine. That, I think, came from the front office.

Q. Will you make an effort to ascertain who wrote that?—A. Yes; I will. I can't tell you off hand. That was a news story and had no relation to the campaign.

JOHN P. EDWARDS, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Where do you live?—A. Plymouth Borough.

Q. How long have you lived there?—A. Thirty-one years; all my life.

Q. Mr. Edwards, I call your attention to an article in the Wilkes-Barre Record of Monday, November 7, 1910, captioned, "Out for McLean, etc.," and ask you if you read that article at that time?—A. No, sir; I did not.

Q. Did you hear it discussed at and about the time of election, when published?—A. Yes, sir.

Q. From the speech of the people you heard in your community at and immediately following the election, what effect did the publication of that article of the Wilkes-Barre Record have upon the candidacy of Mr. McLean for Congress at the election held next day?

(Objected to as being hearsay evidence, and, secondly, it is immaterial and incompetent.)

A. I think that it affected him adversely.

Cross-examination by Mr. JONES:

Q. Are you a political expert?—A. No, sir.

Q. Do you pretend to be a political expert on political conditions?—A. Oh, no, sir.

Q. You don't concern yourself about them, do you?—A. About political affairs?

Q. About political causes and effects?—A. I concern myself to this effect, that I have taken an interest in who is elected.

Q. And that is all?—A. Yes, sir.

Q. And you vote?—A. Yes, sir.

Q. But you make no pretense of being able to tell why any man is defeated; of course not?—A. No, sir.

(This testimony is all objected to, first, because it is an attempt to qualify a man as a political expert, a man who frankly states that he makes no such pretense, and, second, because it is hearsay evidence.)

Redirect examination:

Q. You yourself worked on election day at the polls?—A. Yes, sir; from 2 o'clock on at the polls, but not in the morning.

Q. What, if anything, did you observe from your work that the publication of this article had upon Mr. McLean's candidacy?—A. I personally can not recall any comment made at the polls that day regarding that article, but after the election I heard the article discussed quite generally around the mines at which I am employed. Especially in the office.

Q. What was said concerning its effect?—A. That it had hurt McLean.

Q. That it had hurt McLean?—A. Yes, sir.

Recross-examination:

Q. You say you were working at the polls during the afternoon?—A. Yes, sir; from 2 o'clock on until 7.

Q. In whose behalf?—A. McLean's.

Q. You are a Republican?—A. No; I am a Democrat.

Q. How long have you been a Democrat?—A. I have been a Democrat ever since I was able to vote.

Q. Did you catch that from Tom Phillips?—A. Maybe; I don't know.

Q. You are in the employ of a coal company?—A. I am in the employ of the Plymouth Coal Company.

Q. In what capacity?—A. Clerk in the office.

Q. What else?—A. That is all.

Q. Do you go out and pay the men?—A. We pay them from the office.

Q. And it gives you a wide acquaintance?—A. I am personally acquainted with every man, possibly with the exception of the boys or the miners' laborers.

Q. About how many men come to your office?—A. About 400.

Q. A great many of them vote at the polls where you were working at the polls—the same polls?—A. No; I think we have a small percentage of the employees live in the fifth ward.

Q. But you were working among the miners at the polls?—A. No.

Q. What were you doing?—A. I was working for Mr. McLean, generally.

Q. That would include work among the miners?—A. If there was any miners came along.

Q. But you know some miners did come along there?—A. I wouldn't want to make this positive, but I don't believe that there are any miners that work for us that live in the fifth ward at which I voted and worked.

Q. Mr. Tom Phillips, who has already testified here this morning is in the same company that you are in?—A. Yes, sir.

Q. He is paymaster of the company.—A. No, sir.

Q. Who is, then?—A. Do you mean the official titled "paymaster"? We have none.

Q. You are the acting paymaster?—A. David Percy gives the pay, out of the window; we have no paymaster.

Q. What is Thomas Phillips's official capacity in your company?—A. Treasurer; that is his title.

Q. He was very active for McLean?—A. I couldn't tell.

Q. Did you talk to him about the campaign at all?—A. No, sir.

Q. About how many voters did you speak to that day?—A. Mr. Jones, I couldn't tell exactly how many. I am not one of those fellows that go up and collar everybody comes along. That day I had some of Mr. DeWitt's cards in my hand, more than I had of McLean's, although every place that I could possibly speak a word for McLean I did it.

Q. You told me a moment ago that you were working there in the interest of McLean?—A. McLean and DeWitt.

Q. Were you paid five dollars by Joseph Lee.

Q. Who is Joseph Lee?—A. He works in Lee Brothers hardware store.

Q. And he instructed you to work for McLean and DeWitt?—A. Yes, sir.

Q. Joseph Lee gave you that instruction to work for McLean and DeWitt?—A. Yes, understand this; I was approached long before I saw Joe Lee to work for McLean and DeWitt. I had talked to Mr. DeWitt, and Mr. DeWitt asked me about that combination—if it would be all right for me; and I said, yes.

Q. Mr. DeWitt, who is now the State Senator?—A. Yes, sir.

Q. He asked you if the combination, DeWitt and McLean, would be all right to work for?—A. Yes; long before the election.

Q. And you said, yes?—A. Yes, sir.

Q. And you did work for that combination?—A. Yes, sir.

Q. And you received money for that work?—A. Yes.

Q. How many men voted at the polls?—A. I am not sure, but I think over 200 voted that day.

Q. Most of your voters are English-speaking people?—A. Yes; although there are quite a number—quite a few down toward the railroad.

Q. But most of them are English-speaking people, and they read the newspapers?—A. Yes; I would say that is a representative ward.

Q. And that day no one discussed this newspaper article with you?—A. Not with me; no, sir.

DAVID DAVIS, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Where do you live?—A. Avoca.

Q. What is your occupation?—A. Mine foreman.

Q. How long have you been mine foreman?—A. About 19 years.

Q. For whom, or for what company do you now work, or did you last fall?—A. I worked for the Delaware and Hudson Co.

Q. The coal company?—A. Yes.

Q. And have been how long?—A. Since they put that place there. I went in there in the place of Luke Davis.

Q. About how long is that?—A. About 10 years.

Q. You were so employed on last election?—A. Yes, sir.

Q. Mr. Davis, in what ward in Avoca do you live?—A. In the second ward.

Q. And you vote there?—A. Yes, sir.

Q. Did you vote there last election day?—A. Yes, sir.

Q. Mr. Davis, you received and handled some money in the campaign last fall, did you not?—A. Handled \$10.

Q. Who paid you that money?—A. Gomer Morgan, as chairman of the district.

Q. When did he pay it to you?—A. Maybe a week before election. I don't remember the date.

Q. The week before election?—A. Yes, sir.

Q. Where did you meet Mr. Morgan when he paid you that money?—A. I met him up the house, but he didn't pay me the money. I went with him—it was for poll men.

Q. I didn't ask you that. Where did he pay it to you?—A. We went in the Anthracite Hotel.

Q. In the Anthracite Hotel?—A. Yes, sir.

Q. How did you come to meet him at the Anthracite Hotel?—A. He said that he was coming up with that poll money.

Q. Where did he tell you that?—A. I forgot what place, but I knew that he was the district chairman, and the district chairman pays the—I am the committeeman in that ward.

Q. You are the committeeman in the second ward?—A. Yes, sir; the district chairman always brings the money around.

Q. You received \$10 from Mr. Morgan in the Anthracite Hotel?—A. Yes, sir.

Q. What did you do with it?—A. I paid two watchers. They were Edward Bennett—he works in the silk mill up there—and Benjamin Webb, a miner for the Erie.

Q. Are the Erie mines your company?—A. No, sir.

Q. Connected with your company?—A. No, sir.

Q. He didn't work for you then?—A. No; a different company altogether.

Q. You were about the polls all day, were you not?—A. No; I didn't go there until nearly 5 o'clock.

Q. Weren't you working for Mr. Bowman a long time before election in that community?—A. No, sir; I didn't need to work for Mr. Bowman.

Q. You didn't need to work for him?—A. No, sir; everybody knew him up there; because you could say that it is home up there. He had an interest in a mine there and everybody knew him up there.

Q. But you had worked for him?—A. I voted for him.

Q. You worked for him through the community?—A. I didn't need to work for him.

Q. I am not asking you whether you needed to. I am asking you whether you did. Did you work for him?—A. If somebody asked me what kind of a man Bowman was, I said he was a good man.

Q. And you were paid moneys during the campaign in addition to this \$10?—A. Not a cent.

Q. You say you have been a mine foreman upwards of 19 years?—A. 19 years assistant and foreman.

Q. And you are familiar with the workings of the anthracite coal mines as such mines are conducted in Luzerne County?—A. Yes, sir.

Q. And what is the proportion, Mr. Davis, of laborers to certified miners in this county?—A. What do you mean? I don't understand.

Q. About how many laborers are there as compared with the certified miners around the county?

Mr. JONES. How would he know that?

A. I can't tell you. I would only know from reading about it. I can tell you about our own mines.

Q. How many certified miners in your mines?—A. About 70.

Q. How many laborers who don't hold a certificate?—A. There is hardly a laborer who holds a certificate.

Q. I asked you how many there were.—A. I don't know, because when we have room for miners we ask for his certificate—

Q. You testified that you have 70 certified miners there?—A. Yes.

Q. Now, I ask you about how many laborers are employed in and about the same works where those 70 certified miners are employed?—A. As a rule, there are 70 laborers; every miner has a laborer.

Q. Every miner has at least one laborer?—A. Yes, and some have two.

Q. And in addition to these laborers directly employed by the miners there are many other laborers employed in and about the mines not actually connected with the cutting of coal?—A. Yes.

Q. How many such laborers are employed in this mine where you have the 70 miners?—A. Between drivers and laborers we have in the neighborhood of 60.

Q. About 60 men employed not by the miners but directly by the company?—

A. They are not all men; they are boys.

Q. There are boys and men?—A. Yes.

Q. In your mines, if you have 70 miners, and each miner employs at least one laborer, and you have then in your mine 150 men, outside of the miners?—
A. Yes.

Cross-examination by Mr. JONES:

Q. You say that you were the district committeeman for that ward?—
A. Yes, sir.

Q. How long have you been district committeeman?—A. Fifteen or 20 years.

Q. And you did this year what you always have heretofore done—receive money for poll men and take it to the men who worked as poll men in the ward?—A. Yes, sir.

Q. You didn't talk to the men working for you?—A. No, sir.

Q. You didn't ask a man working under you to vote for Mr. Bowman?—
A. No, sir; I didn't need to ask them, for everybody knew him and everybody was in his favor.

Q. You didn't handle any other money for him?—A. No, sir.

Q. What time did you vote?—A. I voted between 4 and 5 o'clock and then went home.

Q. You weren't at the polls working for Mr. Bowman?—A. No, sir.

Mr. JENKINS. You say you didn't speak to anyone about Mr. Bowman?—
A. No, sir; I didn't need to.

Q. But you were the district committeeman.—A. I know; Bowman didn't need—

Q. You have told us that several times. Why were you district committeeman if you didn't expect to work?—A. I worked for a time; I worked for the ticket.

Q. You worked for the Republican ticket?—A. I worked for the Republican ticket.

Q. You have been district committeeman how long?—A. I have been district committeeman 18 or 20 years.

Q. Really you have been a district committeeman ever since you have been a mine foreman?—A. Probably before that.

Q. You have been a mine foreman 19 years?—A. Yes.

Q. And district committeeman 18 or 20 years?—A. Well, I know I was district committeeman before I was ever a foreman.

Q. And during all that time you have always worked for the ticket?—
A. Yes, sir.

Q. Why do you say you didn't work for the ticket in 1910?—A. There was only two candidates—Congressman—and I knew Bowman was all right up there.

Q. And who was the other candidate?—A. There was a Democrat and a Republican. I voted for the man I was supposed to work for.

THOMAS DAVIS, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. You are a son of the witness who was just on the witness stand?—A. Yes, sir.

Q. What is your occupation?—A. Postmaster.

Q. You are postmaster where?—A. Avoca.

Q. In the borough of Avoca?—A. Yes, sir.

Q. How long have you been postmaster?—A. Five years.

Q. Do you live in the same ward as your father, the second ward of Avoca?—A. Yes, sir.

Q. Are you married; keeping house?—A. Yes, sir.

Q. Separately from your father's household?—A. Yes, sir.

Q. Were you working for the Republican ticket election day in the second ward?—A. No, sir.

Q. For whom were you working?—A. Do you mean I was at the polls working?

Q. Were you working for the Republican ticket?—A. I voted for the ticket.

Q. Did you work for it?—A. No, sir.

Q. Didn't you tell Mr. McLean and me, now, within two or three minutes before you were sworn that you did work for it?—A. I told you no such thing.

Q. You didn't say that?—A. No, sir.

Q. You now say you did not do any work for the Republican ticket on election day—the election of November, 1910?—A. Yes, sir.

Q. And you now say that before you were sworn—immediately before you were sworn—you didn't tell Mr. McLean and me at this table that you had worked for the Republican ticket, but you didn't receive any money for that work, but that the money was paid to Bennett and Webb? You didn't say that a minute ago?—A. Will you give me the question McLean gave me?

Q. Just answer the question.—A. No, sir.

Q. You may explain now if you wish?—A. Mr. McLean said to me, "Were you working at the polls in the second ward of Avoca and did you receive any money?" I said, "No, sir."

(Cross-examination, no questions.)

(Adjourned until 1.30 p. m.)

Hearing resumed at 1.30 p. m. pursuant to adjournment of forenoon session.

Appearances: George R. McLean, contestant, in person; John E. Jenkins, Esq., counsel for contestant; A. C. Campbell, Esq.; Arthur L. Turner, Esq., contestant's commissioners; Evan C. Jones, Esq.; John H. Dando, Esq., counsel for contestee; Wm. Bowman, Esq.; John A. Opp, Esq., contestee's commissioners.

P. H. O'BRIEN, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. CAMPBELL:

Q. Where do you live?—A. In the fifth ward of Duryea borough; North Avoca it is commonly called?

Q. What is your business?—A. Mine foreman.

Q. For whom?—A. For the Pennsylvania Coal Co.

Q. At what colliery?—A. The Central.

Q. Where is that located?—A. Well, it is located between Avoca and Moosic.

Q. In what village, Avoca?—A. Well, it is divided up. A portion of it is in Lackawanna County and Old Forge borough, a portion is in Duryea borough, and a portion is in Avoca borough.

Q. Duryea borough is practically a mining community?—A. Yes; only where we live it is practically Avoca; it is on the upper end, North Avoca, but that ward runs across there in Duryea borough.

Q. Avoca is practically a mining town, is it not?—A. Yes, sir.

Q. There isn't another industry in the town?—A. A silk mill.

Q. A small silk mill?—A. Two large silk mills.

Q. How many men are employed in that colliery in which you are foreman?—A. About 580 employees.

Q. In politics you are a Democrat?—A. In national politics I am a Democrat.

Q. You have taken an active interest in the candidacy of C. C. Bowman for Congress?—A. Yes, sir.

Q. You received money to use in his behalf?—A. Not very much; no, sir.

Q. But you received it to use in his behalf?—A. Yes, sir; it wasn't for myself, though.

Q. How much money did you receive?—A. \$15.

Q. From whom?—A. W. H. Hollister.

Q. W. H. Hollister?—A. Yes, sir.

Q. What is his business?—A. Merchant now.

Q. Until recently he was engaged in the coal business. He and Mr. Bowman were partners in the coal business in Avoca?—A. Yes, sir.

Q. For what purpose did you receive this money?—A. To pay three watchers at the polls.

Q. Democratic watchers?—A. Well, I didn't consider them as to their politics at all.

Q. You knew what their politics were?—A. No, sir; I didn't question them.

Q. Did you make any inquiry as to what their politics were?—A. No, sir; I didn't ask them their politics; I asked them to work for Mr. Bowman.

Q. Did you know they were not Republicans?—A. I didn't know anything about it; that is, when I come to give it under oath.

Q. To the best of your knowledge and belief what were their politics?—A. Well, I couldn't say. I never asked either of the gentlemen what their politics were.

Q. From their reputation in the community as members of a party what was their politics?—A. I don't know. I don't want to answer that question.

Q. Well, to the best of your knowledge and belief?—A. I don't know. I don't know what their politics are.

Q. Had you ever interested yourself in the way of employing watchers before?—A. Yes, sir; many times.

Q. For what party?—A. For the Democratic Party and for special men, just as I did for Mr. Bowman. If I have a friend that is running, I don't care what party he is running on I am with him.

Q. And you are willing to use money in his behalf?—A. If I had my own money, I would use it in his behalf.

Q. Were—where were you asked to employ Republican watchers?—A. I wasn't asked to employ Democratic watchers.

Q. Answer the question.—A. No; and I wasn't asked to employ Democratic watchers.

Q. Just answer the question.—A. I did. I said no.

Q. You are not a member of the Republican Party?—A. No, sir.

Q. You consider yourself a Democrat?—A. Yes; I am a Democrat.

Q. And you were requested then—when you accepted this money it was for the purpose of employing Democrats?—A. No, sir; it was not for the purpose of buying Democrats. They were already employed and were working when I got the money.

Q. Who had employed them?—A. I did; yes, sir. I had employed them.

Q. How long before election day did you employ them?—A. Well, it was less—two or three days before—two or three days.

Q. What agreement did you make with them?—A. I told them to use every effort in their power to get votes for Mr. Bowman.

Q. Can you give me the number of men and the names of the men you employed two or three days before election.—A. Now, this is from one to three days—Patrick McKeown.

Q. What is his business?—A. He is a company miner and acting fire boss.

Q. At what colliery?—A. At No. 13 colliery, Pennsylvania Coal Co.

Q. Of which you are foreman?—A. Yes, sir.

Q. McKeown is known in that community as a Democrat?—A. I couldn't say that; I never asked him to his politics. He is here.

Q. How long have you been acquainted—you say you have been helping Democrats and Republicans in that community every—that were friends of yours. How long have you been doing that work?—A. Off and on for 25 years.

Q. In that community?—A. In that community; yes, sir.

Q. Mr. O'Brien, do you want us to understand that for 25 years of service, 25 years of experience in that community, you don't know what the politics of Patrick McKeown are?—A. No, sir; because I haven't been actively engaged in 15 years.

Q. When you last heard from him, as to his politics, what were they?—A. I never heard it.

Q. Did you ever hear what the politics of anybody were in your community?—A. Oh, yes, sir.

Q. Did you ever hear what the politics were of the men you employed?—A. No, sir.

Q. Do you swear to the best of your knowledge and belief, you don't know what the politics of Patrick McKeown are?—A. No, sir; I don't know how he voted.

Q. Did you ever hear how he voted?—A. No; I knew he was a friend of Mr. Bowman's because he voted for him.

Q. You say he was a friend of Mr. Bowman's?—A. Yes, sir.

Q. He was a personal friend of Mr. Bowman's, was he?—A. Yes.

Q. Then why did you pay him?—A. Because I didn't think that he could afford to lose his day's work to go out and do that.

Q. He was paid for the day?—A. Yes, sir.

Q. You employed him three days before, and how many days did you pay him for?—A. One day.

Q. How many days—you employed him three days before election to work for this man, Mr. Bowman?—A. To work on election day.

Q. No; you said he was to do everything he could from the time he was employed?—A. No; you misunderstood me.

Q. Wasn't he to do any work until election day?—A. No, sir.

Q. That was the distinct understanding?—A. Yes, sir.

Q. Why did you make that arrangement that he wouldn't need to do any work until election day?—A. I didn't make any arrangements; I didn't make such an arrangement.

Q. Just answer the question. You said that it was understood that he was not to work until election day. You had a distinct understanding that he was not to work until election day?—A. The express understanding was that he was to work on election day for Mr. Bowman's interests.

Q. But you said when you employed him that he was to go out and do all he could for Mr. Bowman?—A. On election day.

Q. That was the understanding?—A. Yes, sir.

Q. But you didn't say that at first. Let us have that straight. Was the effort and labor in his behalf on election day or three or four days before election day?—A. Election day.

Q. Then they were not to do any work for Mr. Bowman until election day?—A. I didn't ask them to do any.

Q. You were paying McKeown merely for losing his day's work?—A. Yes, sir.

Q. How much does McKeown get a day?—A. About \$2.50.

Q. \$2.50?—A. Yes, sir.

Q. Does he get a salary?—A. No, sir.

Q. If you were merely paying him for his loss of his day's wages, \$2.50, you paid him more than that?—A. Yes, sir; I thought it was worth it.

Q. What was?—A. Working at the polls on election day. He was paid \$5; that was the regular watcher's pay.

Q. You were paying him for something more than he was paid?—A. No more than the rest. He was paid what the other watchers were.

Q. You were paying him more than the loss of his day's wages?—A. Than he would earn in the mines; more than he would earn.

Q. Why did you pay him \$2.50 extra?—A. Because that was what the other watchers got; they all got the same wages.

Q. Then you were paying him for something more than the loss of the day?—A. Yes, sir.

Q. Who is the next person?—A. Martin Mullen.

Q. Where does Mr. Mullen live?—A. In the third ward of Avoca Borough.

Q. What is his business?—A. Mines.

Q. Any other employment?—A. No, sir.

Q. Does he ever act as a fire boss?—A. No, sir; just miner.

Q. What are Mr. Mullen's politics?—A. I don't know.

Q. Did you ever hear?—A. No; I can't say that I did.

Q. You never did?—A. No, sir.

Q. What was the purpose of employing him?—A. Watcher in the third ward in the interest of Mr. Bowman.

Q. Did you know there were Republican watchers employed?—A. I suppose there would be; I didn't make any inquiries.

Q. You don't know what Mullin's politics were?—A. No, sir.

Q. How much did you pay him?—A. \$5.

Q. For what?—A. For working at the polls for Mr. Bowman.

Q. What does he make a day?—A. He makes from \$3 to \$5 a day.

Q. From \$3 to \$5 per day?—A. Yes, sir.

Q. What colliery does he work at?—A. At the Central colliery.

Q. He is under your charge?—A. He is under my jurisdiction.

Q. To whom else did you give money?—A. Anthony Clifford.

Q. Where does he live?—A. The first ward, Avoca Borough.

Q. What is his business?—A. Miner.

Q. In what colliery?—A. In the Central Colliery; the same colliery.

Q. Of which you are foreman?—A. Yes, sir.

Q. What was the purpose of giving him money?—A. To watch for me.

Q. As a watcher?—A. Watcher, and work for me at election.

Q. Watch for you?—A. Well, for Mr. Bowman, I mean.

Q. What wages does he earn per day?—A. From \$3 to \$5 per day.

Q. When did he earn \$5?—A. When did he earn it? Mostly any day he gets his coal out.

Q. When did he earn it?—A. Well, within a month.

Q. And in fixing the \$5 you were fixing it as merely the loss of the day's wages?—A. No; I fixed it on the basis of what the other men got at the polls.

Q. Then it was not for the loss of the day?—A. Not necessarily.

Q. Then why did you say in the beginnnig that you paid McKeown for the loss of the day?—A. I paid him, of course, when he lost a day in the mines.

Q. But you paid him for something more than the loss of the day's work?—A. You might think so; I didn't.

Q. Why didn't you state so?—A. I might not have stated it so intelligently, but that is what I meant.

Q. Didn't you pay them not only for the loss of the day, but also for their services in working among the Democrats?—A. No; I didn't employ them, not any of them, for that. If you go out and work in a political campaign you have to work more than two or three days.

Q. Who is the next one?—A. That is all.

Q. Just the three men you got?—A. Mr. Hollister said that I got; he thought I paid \$10 apiece to the watchers, but when I got talking to him he found out different.

Q. He was mistaken, was he?—A. Yes, sir; and he will so tell you to-day, too.

Q. Of course, you knew there were Republican district committeemen in each ward in Avoca?—A. I suppose they were.

Q. Why did they have to give you money as a Democrat to go out and employ Republican watchers?—A. I don't know.

Q. You don't know? Was that discussed at all by either you or Hollister?—A. Yes.

Q. It was discussed, then, that you should try and make inroads on the Democratic votes?—A. Yes; sure.

Q. And you started out for that purpose?—A. Sure, I did.

Q. And the most effective way was to get prominent Democrats to work for Mr. Bowman?—A. Yes, sir.

Q. Why didn't you say so when I asked you a few minutes ago, when you said you didn't know what the politics of these men were?—A. Well, then I misunderstood you.

Q. What did you misunderstand?—A. You said now, didn't you, that I wanted to get prominent Democrats to work among their friends?

Q. Yes.—A. I didn't employ them for that purpose; I didn't employ men I knew were Democrats.

Q. And you were careful not to employ Democrats.—A. I didn't care what their politics were as long as they were good workers.

Q. Among what class?—A. Any class.

Q. You knew there were Republicans employed to work among the Republicans?—A. Yes; and some of them don't amount to much when they are employed.

Q. Did he ask you to get out and get the volunteer Democrats?—A. No; I volunteered my services.

Q. What to do?—A. To get votes for Bowman anywhere I could.

Q. How were you to get those votes?—A. By talking to them and having others.

Q. Did you talk to the others?—A. Yes, sir; I did.

Q. You talked to your employees?—A. No, I didn't.

Q. Why didn't you?—A. I didn't make it a practice to go to my employees around the mines.

Q. You do make it a practice to employ your employees to act as watchers?—A. Yes, sir; if they are good men, whether they are mine or somebody else's.

Q. And when you are supporting a Democrat you go out and endeavor to get Republicans to work for the Democrat?—A. Not necessarily so; I tried to get the best men I could get whether they are Republicans or Democrats.

Q. Naturally, you would try to get some of the enemy.—A. No, I didn't want to pay any enemy; I would rather pay a friend.

Q. I mean by an enemy one of the opposite party.—A. Not unless they are friends of mine that are running. I wouldn't pay any money to a man who is an enemy of mine if I know it.

Q. When you are working for Democrats don't you try and get Republican votes for him?—A. Yes, I try to get every vote I can, whether it is Republican or Democrat.

Q. Or any variety?—A. I try to get every man, independent of politics.

Q. And when you are working for a Republican you try to get workers among the Democrats?—A. If they are good ones I don't care what their politics are.

Q. In order to be a mine foreman you had to pass an examination, didn't you?—A. Yes.

Q. And you are a man of intelligence; you have been studying for 25 years, living in that community for 25 years; how long have you been a mine foreman?—A. In the neighborhood of 10 years.

Q. And you have been dabbling in the game, as you say, if it is a friend of yours, whether they were Republicans or Democrats, and you have been out buying watchers among the Democrats and Republicans?—A. No; I have not.

Q. Well, we will make it a distinction between "buying" and "paying."—A. When a man works for me in in the mines or out, I try to pay him.

Q. These men, for the sake of the \$5. went out among their Democratic friends to get votes for Mr. Bowman?—A. No; I don't agree to that.

Q. Would they have done it without the pay?—A. I don't know, as I told you, if they lost their day's work; but I believe they would have voted for Bowman, and that is the reason I employed them. I knew they were friends of his.

Q. Were the people in that community friends of Mr. Bowman?—A. The great majority were.

Q. Were all of them?—A. No; not all.

Q. Nearly all were?—A. He didn't get all the votes.

Q. Nearly all were?—A. Yes.

Q. If that be the case why did you have to get out and buy some of these men, and pay for them?

(Objected to, as he didn't say that he was buying.)

Q. Now, every man here that you employed is a person to whom you gave employment?—A. Yes. Well, some of them were on the job before I went there.

Q. But you have charge of them?—A. Yes, sir.

Q. And you have the right to discharge them, have you not?—A. For cause; if they do—

Q. Of course, you wouldn't do it except for cause?—A. No, sir; I wouldn't.

Q. But I am going to repeat this question to you. You swore that you didn't know that Patrick McKeown is a Democrat, and that you never heard that he was a Democrat?—A. I don't know his politics.

Q. Did you ever hear that he was a Republican?—A. No; I never heard that he was a Republican, either.

Q. Did you ever hear that Martin Mullin was a Democrat?—A. I believe that I did.

Q. Did you ever hear that McKeown was a Prohibitionist?—A. No.

Q. Did you ever hear that Clifford was a Democrat?—A. No, sir.

Q. Did you ever hear it?—A. No, sir.

A. McKeown, Mullin, and Clifford are all of Irish descent, are they not?—A. Yes; Mullin, I think, is a native.

Q. I said of Irish descent.—A. The other two are of Irish descent; but Mullin is Irish born.

Q. There is a very large Irish settlement—or a greater number of the residents of Avoca are Irish, or of Irish descent, aren't they?—A. Yes; quite a number.

Q. You, from your knowledge of politics in that community, know that the greater part—nearly all the Irishmen in that community are known as Democrats. That is fair, isn't it?—A. Yes.

Q. Well, now, how is it that you didn't happen to know the politics of McKeown, if you know that as a matter of fact that nearly all the Irish up there are Democrats?—A. Because I never heard and never inquired.

Q. How do you happen to know that the majority, or nearly all of them, as you put it, are Democrats? How do you know that?—A. From the vote—from the way the vote goes on election day.

Q. And that is the only way?—A. Yes, sir.

Q. Do you know anything about the politics of your neighbors?—A. Not much.

Q. Do you know anything about the politics of your next-door neighbor?—A. I don't.

Q. On either side of you?—A. Oh, yes; within a radius of two or three I know of, I do.

Q. How does it come about that you know of their politics?—A. There is a barber shop close by, and I get shaved there, and I heard it discussed.

Q. Isn't McKeown a man of some prominence in that community? He is a fire boss?—A. No; I can't say that he is. He is a man that stays at home and minds his own business.

Q. He is a substantial man in the community?—A. Yes, sir.

Q. Much respected?—A. Yes, sir.

Q. And much discussed in your community?—A. Not necessarily so, because he don't meddle with other people's business.

Q. Isn't it a fact that he is referred to as a good, steady man?—A. Yes.

Q. Had you employed McKeown before?—A. Yes; he worked for me 3 or 4 years.

Q. In politics?—A. No.

Q. Or Mullin?—A. No.

Q. Or Clifford?—A. No.

Q. How many years have they been in politics up there?—A. Well, I think, probably Mullin has been in 20 or 25 years, and the others since they have been voters.

Q. Did McKeown hold any local office?—A. Not to my knowledge.

Q. You never heard of it?—A. No.

Q. Or Mullin?—A. Possibly he was a councilman; I would not say positively.

Q. On what ticket was he elected?—A. I don't know that he was an officeholder.

Q. Don't you know that he was elected on the Democratic ticket?—A. He may have been a councilman on the Democratic ticket.

Q. Has Clifford been an officeholder?—A. Not to my knowledge.

Q. Didn't he run for office at one time?—A. I don't know.

Q. You never heard of him, but you say you knew he was a Democrat?—

A. No.

Q. Who is the only one that you knew was a Democrat?—A. Mullin is the only one.

Q. Among what particular class of people did McKeown work?—A. All classes in the second ward—the middle ward.

Q. Are there any Slavish or Polish in that ward?—A. Some.

Q. They are employed in this colliery?—A. There is some; yes.

Q. At the same colliery at which he is employed as fire boss?—A. I don't know whether there are any where McKeown works. I don't think there is.

Q. You have testified that there were about 500 men and boys employed in that colliery?—A. Yes; about 550.

Q. About how many miners are there in that colliery—about?—A. Between two and three hundred.

Q. Between two and three hundred miners?—A. Yes, sir.

Q. How many laborers?—A. Two-thirds as many. One-third less laborers, I think—from one-third to one-fourth less.

Q. That is true, isn't it, of the collieries in general, from your knowledge, in the upper part in that community?—A. Yes; laborers are a little scarce, and miners don't always have laborers. It should be equally as much of one as of the other.

Q. What I have in mind is this: As compared with the miners, how many miners' laborers are employed in your colliery?—A. About two thirds or three-fourths as many in that neighborhood.

Q. And about what proportion of your employees are what is known as company hands, doing labor on the tracks and work of that character? About what proportion? Must be between 10 and 15 per cent, must it not?—A. Yes, sir; figured all through the mines.

Q. You are the person who makes the assignment of the breasts and places where the miners usually work?—A. Yes.

Q. And they work on a contract of so much per yard?—A. No; so much per ton.

Q. And some breasts are much better than the others?—A. Yes.

Q. And the work is better and the miners make more money in some than others?—A. Yes.

Q. The fire boss is employed by you?—A. Yes; the men are employed by me, with the approval of the superintendent. We make out application cards when we employ men, and they are sent in, and they are not employed until he approves that card.

Q. Who is your superintendent?—A. Joseph P. Jennings.

Q. Of the Hillside and Pennsylvania?—A. Well, he has got one Hillside colliery under him, but he is on the Pennsylvania.

Q. The Pennsylvania and Hillside Coal Co., as far as practical work is concerned, is one corporation?—A. Under one management.

Q. And they are controlled by the Erie Railroad? Joseph P. Jennings is a brother of William P. Jennings?—A. Yes.

Q. William Jennings being a neighbor of C. C. Bowman and superintendent of another district for the Hillside and Pennsylvania?—A. Yes.

Cross-examination by Mr. JONES:

Q. How long have you known Mr. Bowman?—A. For about 30 years.

Q. Were you interested in Mr. Bowman's election because anybody asked you to be, or was it a matter of friendship?—A. It was a matter of friendship.

Q. Did you ever work for him?—A. Yes, sir.

Q. How long did you work for him?—A. Between 8 and 9 years.

Q. Had he ever done you any special favor?—A. Yes, sir.

Q. What was it?—A. About 12 years ago I was looking for a job. I was working at that time for Hollister & Bowman. I was looking for a position as assistant mine foreman, and I asked Mr. Bowman to give me a letter of introduction or a letter of recommendation, and he gave it to me, and I always felt on the strength of that letter I got that position.

Q. And you have always felt grateful to him for it?—A. Yes, because that was my start.

Q. And you have felt since then that Mr. Bowman gave you your real start in life, and naturally you were very grateful?—A. Yes, sir; and I never had an opportunity before to repay it, and I told him voluntarily. After he was nominated I went to him in Pittston and told him to use me in any way he wanted in this election; that I was at his command.

Redirect by Mr. CAMPBELL:

Q. And you did it?—A. Yes.

Q. You exercised every effort in his behalf?—A. That I could honestly. I won't go into the mines and ask a man to do these things. Everything I could reasonably do, I done for him.

Q. What do you mean by reasonable?—A. I would consider it unreasonable if I would go in the mines and ask a man to do things other than his work, because the company pays me to look after my work in the mines; but outside, and after the day's work, I am a free man.

Q. But when a man got through his work you did speak to him?—A. Yes, and every man; and if the women had a vote I would have seen them. McLean I knew nothing about and I didn't say a word against him.

Q. So that Bowman was nominated in June, and up to November you canvassed every man in your employ and even went to his home?—A. Not everyone personally, but I canvassed all I could, and I didn't leave a stone unturned.

Q. And you turned the town of Avoca for him, didn't you?—A. I don't know, but I did my best.

Q. And you succeeded?—A. Well, I don't know, but some people say that I did.

Q. Well, that is the kind of a friend to have; and a mine foreman generally can do it.—A. It was not as a mine foreman. I did it before I was ever a mine foreman, and I did it before.

The only time that I was ever defeated for office was when I was mine foreman.

Q. What ticket did you run on?—A. The Democratic ticket, and I got licked on it, too. I run for nearly office up there.

Q. And you run for nearly every office in Avoca?—A. Yes; and the only time that I was defeated was since I was mine foreman.

Q. It shows, Mr. O'Brien, they have the respect they have for a mine foreman, when a mine foreman can't put the screws to them.—A. Yes; when they get out and defeat me.

PATRICK McKEOWN, called on behalf of the contestant and duly sworn.

Examined by Mr. CAMPBELL:

Q. You are a resident of Avoca?—A. Yes.

Q. In what ward?—A. The second ward.

Q. You are fire boss in No. 13 colliery?—A. Yes, sir.

Q. And you are employed by Patrick O'Brien, the witness who just preceded you?—A. Yes, sir.

Q. In politics, you are what?—A. Not much of anything.

Q. What are you on national politics?—A. Well, when I vote I try to pick out the best man on either side.

Q. You are what in national politics?—A. Generally a Democrat.

- Q. But you are always anxious to vote for the best man?—A. Yes, sir.
 Q. Without being solicited to do so?—A. Yes.
 Q. And you always do what you can for the best man in your quiet, humble way, don't you?—A. Yes, sir.
 Q. You are never paid for that, are you?—A. I have been once.
 Q. When was the once?—A. I was paid for Bowman's election.
 Q. For working in his behalf?—A. Yes, sir.
 Q. Who paid you?—A. P. H. O'Brien.
 Q. When did he pay you?—A. The day after election.
 Q. How did it come about that he paid you?—A. He just simply asked me a day or two before if I would get out and work for Bowman.
 Q. What did you say?—A. I told him yes.
 Q. What did he say to you about the pay?—A. He told me there would be a day's pay in it after I got through.
 Q. What kind of work were you to do?—A. To go out and do the best I could to get the boys to work and vote for Bowman.
 Q. To get who?—A. To get anybody I could to vote.
 Q. No persons in particular?—A. No, sir.
 Q. Is your ward Democratic or Republican?—A. That I could not tell you.
 Q. What had it been the preceding election?—A. I don't know.
 Q. Had you ever heard?—A. No, sir.
 Q. You never heard what it had been in any election?—A. No; I never bothered.
 Q. You never took any hand in politics?—A. No; that was the first time.
 Q. That was the first time you took a hand in it?—A. Yes.
 Q. But a minute ago you said you were around doing all you could for your friends in the primary election.—A. No.
 Q. Yes; I asked whether you hadn't done all you could for any friend who was running, and you said yes. Is that so or isn't it?—A. I didn't ever bother with politics.
 Q. Did you ever up to this time solicit anybody to vote for any candidate?—
 A. If I knew somebody running—school director—and knew them well and could get votes for them I would.
 Q. You would get votes for them?—A. Yes.
 Q. Did you understand my question? Did you ever ask people before this election to vote for somebody else?—A. No.
 Q. But until this election you had never asked anybody in the ward or in your community to vote for any man for office, is that so?—A. No, sir.
 Q. You never did. You say you were to work among all classes of people, were you?—A. I worked anybody I could to get a vote.
 Q. Then you were to work among the Democrats as well as the Republicans?—A. Yes, sir.
 Q. What are the greater part of your friends, Democrats or Republicans?—
 A. Democrats, I guess.
 Q. It is a fact that nearly all the Irish, who are the bulk of the population up there, are Democrats; that is, in Avoca?—A. I think so.
 Q. It is known as a Democratic community, isn't it?—A. Yes.
 Q. And the Democrats generally have control of the borough council and the school board, don't they?—A. Yes.
 Q. Now, what kind of work were you to do for Mr. Bowman?—A. To help elect him in my ward, if I could do so; to help.
 Q. You did help him in your ward, didn't you?—A. Yes, sir.
 Q. How many others helped in the ward there?—A. I think there was one man working with me, Timlin.
 Q. What is his first name?—A. William.
 Q. What are his politics?—A. I don't know.
 Q. Did you ever hear?—A. No.
 Q. From what race is he descended? Is he Irish?—A. I think so; yes, sir.
 Q. You think so?—A. Yes.
 Q. Don't you know?—A. No.
 Q. Did you ever hear?—A. No.
 Q. You never heard?—A. No.
 Q. How close to you does he live?—A. A half a block.
 Q. How long have you known him?—A. Ten years.
 Q. And in these ten years you didn't know what his ancestry was as to his nationality?—A. Yes.
 Q. Did you know of the people in general there?—A. Of his people?

Q. No; the people in general in your ward; did you know what their nationality was?—A. Yes.

Q. Did you know what their politics were?—A. No.

Q. Did you know what their religion was?—A. Yes; quite a few of them Catholics; I saw them at church.

Q. That is the only way that you knew, from the fact that they attended church?—A. Yes.

Q. You have been on very friendly terms and intimate relation with all these people in your ward, have you not?—A. At times.

Q. You have no enemies worthy in speaking of there, have you?—A. No.

Q. How does it come, Mr. McKeown, that you don't know the politics of those people about whom you speak?—A. Because I don't ever bother with politics.

Q. How many people did you speak to before the day of election?—A. None.

Q. Not one soul? You were employed about three days before election, weren't you?—A. No.

Q. When did O'Brien employ you?—A. I think the day before election.

Q. That was on what day?—A. What day of the week, I can't say.

Q. You don't know?—A. I know the day before election day O'Brien sent for me; that was in the evening.

Q. Where did you go to?—A. To his office.

Q. What did he say to you?—A. He asked me if I would work for Bowman.

Q. What did you say?—A. I told him yes.

Q. Then what else did he say?—A. That is all.

Q. Is that all?—A. He said I would have to lose my day's work in the mines and he would pay me for it.

Q. That he would pay you for the loss of your day's work in the mines?—A. Yes, sir.

Q. What did you get in the mines?—A. Twenty-five cents an hour.

Q. For how many hours work?—A. Ten and sometimes—

Q. Then it runs about \$2.50?—A. Yes, sir.

Q. Then he paid you \$5?—A. Yes.

Q. Why didn't you return the other \$2.50 to him?—A. It is an understood fact among the watchers that they are to be paid \$5.

Q. It is an understood fact for a man around the polls to get \$5?—A. That is what I always heard.

Q. You have never been around the polls?—A. Not very much.

Q. Then you did work for Bowman, because you were hired to work for him?—A. No; I worked for Bowman because I knew him well and worked for him.

Q. If you only wanted to be paid for the day's wages, and knew Bowman so well and wanted to do all you could for him, why did you take the \$5 of Bowman's money?

(Objected to as it is not shown that this \$5 was Mr. Bowman's money.)

Q. Now, you were a friend of Mr. Bowman and wanted to work for Bowman, and you merely wanted to get your day's pay, why didn't you return the other \$2.50 to Bowman or O'Brien, who handled it at the instance of Mr. Hollister?

(Objected to, because he has already answered that he took the \$5 because he understood it was the usual day's pay for a watcher at the polls.)

Q. You testified that you simply wanted your day's wages.—A. No.

Q. You testified that is what you were paid.—A. No.

Q. Didn't you, a few minutes ago, testify that O'Brien was to pay you for the loss of the day?—A. No.

Q. The loss of the day was \$2.50?—A. In the mines.

Q. What was the other \$2.50 for?—A. Well, I told you that the other \$2.50, the whole \$5, was a day's wages as a watcher; that is what the watchers were paid.

Q. Then you were paid for a day's watching and not for the loss of the wages, isn't that right?—A. I suppose so.

Q. You were paid \$5 for the work you were to do?—A. Yes.

Q. You worked at the polls all day?—A. Yes, sir.

Q. What time did you go to the polls that day?—A. Eight o'clock in the morning.

Q. Did you do any of your work, attend to any of your duties as fire boss that morning?—A. Yes.

Q. What time did you get through?—A. Six.

- Q. What time did you do that?—A. At 4 in the morning.
 Q. You were there from 8 o'clock in the morning until when?—A. Half-past 7 in the evening.
 Q. You were there nearly all day?—A. All day long.
 Q. Who were the other persons whom you say were working there for Bowman?—A. William Timlin.
 Q. Who else?—A. That is all I know.
 Q. Were there any Republicans there working for Bowman?—A. I don't know.
 Q. If there were any you would know?—A. I don't know.
 Q. You don't know whether you would?—A. No.
 Q. Did you find anybody standing at the polls, besides Timlin and yourself, as watchers?—A. Not that I know of.
 Q. Do you mean to say that there were only the two of you men at the polls all day for anybody?—A. That is all I know of—Timlin and me were the watchers.
 Q. Were there any watchers for the Republican Party?—A. Yes.
 Q. Who were they?—A. I was one and Timlin was the other.
 Q. Were there any watchers for the Democratic Party?—A. I don't know.
 Q. You are not a Republican, are you?—A. No.
 Q. How is it then—were you employed as a Republican watcher?—A. Yes.
 Q. As a Republican watcher?—A. Yes.
 Q. Didn't you say you were employed to go out and work among the people, irrespective of their politics?—A. No.
 Q. Didn't you testify that you were a Democrat?—A. Yes; in general.
 Q. But this particular day you were a Republican, is that it?—A. Yes.
 Q. The \$5 made the change, is that right?—A. No.
 Q. What made the change?—A. Because I knew Bowman, and I worked for years for him in the mines, and he was a friend of mine.
 Q. You wouldn't work for your friend unless you were paid?—A. Sometimes.
 Q. Why didn't you work for Bowman, who was your good friend, without being paid?—A. Bowman didn't pay me; O'Brien paid me.
 Q. You knew that it was coming from Bowman?—A. No.
 Q. Did you ask O'Brien whose money it was?—A. No.
 Q. What were the politics of Timlin?—A. Republican, I think.
 Q. Why do you say you think?—A. Because I don't know.
 Q. Is that it? Then, why did you say so if you didn't know?—A. He was working for Bowman, that is all.
 Q. Do you know who he was working for governor, or for any of the other offices?—A. No.
 Q. Then, any man working for Bowman that day, no matter what other persons he worked for, was a Republican; is that it? Is that the reason you answered that?—A. Yes.
 Q. And that is the reason you called yourself a Republican?—A. On that day.
 Q. Do you know who paid Timlin?—A. No.
 Q. And you didn't ask him?—A. No; I don't know whether he was paid or not.
 Q. Do you know Gus Carey?—A. Yes.
 Q. What is his business?—A. He is assistant mine foreman.
 Q. For what company?—A. The Pennsylvania Coal Co.
 Q. What colliery?—A. The Central.
 Q. That is No. 13, is it?—A. Yes; No. 13 shaft.
 Q. Was he at the polls that day?—A. I seen him there; yes, sir, about 6 o'clock in the evening.
 Q. Did you see him there at any other time?—A. No.
 Q. Do you know David Davis?—A. Yes. I know one David Davis, a mine foreman for the D. & H.
 Q. Was he at the polls that day?—A. About 5 o'clock in the evening.
 Q. How long did he stay there?—A. I don't know.
 Q. But you were there until half-past seven?—A. Yes.
 Q. Wasn't he there until the polls closed?—A. I wasn't watching him.
 Q. Were you watching anybody in particular?—A. No.
 Q. He was there?—A. Yes.
 Q. He was there from five until half past seven?—A. I don't know.
 Q. Did you ask him to vote for Bowman?—A. No.
 Q. Why didn't you?—A. I always thought he was a Republican, and thought he would do his duty and vote for him?

Q. Then, the only persons you asked to vote—you didn't ask Republicans, because you thought they would do their duty?—A. I asked almost everybody I met to vote for Bowman.

Q. You didn't ask Republicans, did you? Did you ask Republicans to vote for Bowman?—A. I didn't know whether they were Republicans or Democrats.

Q. Answer the question. Did you ask Republicans to vote for Bowman?—A. Well, I can't tell.

Q. Did you ask any Democrats to vote for Bowman?—A. Yes, lots of them.

Q. And this was your special mission, wasn't it, to ask Democrats?—A. No.

Q. Whether or not David Davis was there soliciting votes?—A. I don't know.

Q. Didn't you know, sir, that he was interested in Bowman's candidacy?—A. No, sir.

Q. Didn't you know that Gus Carey was interested in Bowman's candidacy?—A. No.

Q. Did you notice—how long did Carey stay there?—A. I only seen him while getting off the car and going to vote and going away again.

Q. What time did the mines close that day at No. 13?—A. Half past four.

Q. And after half past four is when the bulk of the voting was done?—A. I think so; yes, sir.

Q. And that was there—and that is when Davis was there you say, from 5 o'clock until the polls closed?—A. About 5 o'clock, I think it was, I seen him.

Q. What was David Davis doing there?—A. Suppose he came to vote.

Q. What was he doing there?—A. I don't know.

Q. You say he was there; what was he doing there? He was there from 5 o'clock till 7 o'clock. Now, I am going to ask you again how long did David Davis stay there?—A. I don't know.

Q. How often did you see him?—A. I probably seen him twice while I was around there. I didn't confine myself to the polls there. I went out and worked for Bowman.

Q. In what way were you working?—A. Through the ward. Every place I thought I could get a vote I went and got it.

Q. You were bringing them in?—A. Sure.

Q. And every time you came back you saw Mr. Davis there?—A. No.

Q. How often did you see him when you came back?—A. Probably twice; I am not sure.

Q. You saw him the first time about 5 o'clock?—A. Yes.

Q. When did you see him again?—A. Probably 10 or 15 minutes afterwards.

Q. When did you see him again after that?—A. I don't know.

Q. And you have no recollection about who were coming there?—A. No.

Q. Did you have any money besides that \$5?—A. Some of my own; yes.

Q. Did you have any money of Hollister's? He testified he gave some money for spending money. Did you get any of that?—A. No, sir.

Q. You spent some money?—A. No.

Q. Didn't you say you spent some of your own money?—A. No.

Q. Had you any money which had been given to you by anybody on election day or before that day?—A. No.

Q. And the only money which you had received from any person or from any source was the \$5 which you received from O'Brien, when?—A. The day after election day.

Q. Where did you receive it?—A. At the head of the shaft.

Q. He was waiting for you?—A. Well, I don't say. He was waiting for me when I came up in the morning.

Q. At what time?—A. Seven o'clock.

Q. What did he say when he handed you the money?—A. He told me he would pay me for my day's wages yesterday. He said I wouldn't have to wait until pay day for it.

Q. Did you ever run for office in Avoca?—A. No.

Q. Bad business, isn't it?—A. Yes.

Cross-examination by Mr. JONES:

Q. You say that you know Mr. Bowman well?—A. Yes.

Q. You worked for him?—A. Yes.

Q. And you know young Mr. Bowman, here?—A. Yes, sir.

Q. You worked with him?—A. Yes.

Q. In other words, you were personally acquainted with and a friend of the Bowmans?—A. Yes.

Redirect-examination by Mr. CAMPBELL:

Q. As I understand it, if O'Brien hadn't said anything to you you would have gone to the polls and worked for Bowman that day?—**A.** Yes; I certainly would.

JAMES A. JOYCE recalled by contestant.

Examined by Mr. JENKINS:

Mr. JONES. Counsel for contestee object to the testimony of Mr. Joyce for the reason that no notice that he would be called was served upon the contestee, and no notice was served at any adjourned meeting that he would be called at this time.

Mr. JENKINS. The witness is called under the previous notice given and is now recalled.

Q. You live in the city of Pittston and were a voter at the last election?—
A. Yes.

Q. I call your attention to an article which appeared in the Wilkes-Barre Record of November 7, 1910, entitled "Out for McLean, liquor interests so decide at a meeting of liquor dealers." Did you read that article?—**A.** Yes, sir.

Q. Will you state whether it in any way affected your course in voting at the election held the next day?—**A.** Up to the time I read it I intended voting for McLean, but when I read that article in the Record, I believed it to be true. I thought it was time for all decent men to take a stand against this liquor rule and I voted for Bowman.

Q. Mr. Joyce, are you able to say whether from what you have learned from the speech of the people about the time of the election and immediately following the publication of the article, that it affected Mr. McLean's candidacy, and if so, how?

(Objected to as heresay evidence.)

A. Whether it adversely affected the candidacy of Mr. McLean? From the speech of the people?—**A.** Yes, sir.

Mr. JONES. I desire to cross-examine as to whether he is a political expert.

Mr. JENKINS. Whether you heard that article discussed in the days immediately following the election and on election day?—**A.** I did.

Q. From the speech of the people what effect did that have, as far as you know from the speech of the people, upon the candidacy of Mr. McLean?

(Objected to as heresay evidence.)

A. Well, from the speech of the people it injured Mr. McLean, for the reason that a great many people intended voting for McLean, and they voted for Bowman as a protest to the liquor interests.

Cross-examination by Mr. JONES:

Q. Had you heard anywhere before you read that article that morning that the liquor interests were active in Mr. McLean's behalf?—**A.** No, I didn't.

Q. Hadn't you seen it in any of the papers before that?—**A.** Not in the papers; no, sir.

Q. Hadn't you heard it; wasn't it a common rumor on the street that he was backed by the Stegmaier Brewing Co. and other breweries?—**A.** No; I didn't hear that the Stegmaiers were for him.

Q. Didn't you hear that agents and collectors of bills from the breweries were distributing marked ballots for Tener and McLean?—**A.** No; I heard that they were out for Tener.

Q. Didn't you hear that they were out for McLean?—**A.** No; what I heard was "Save the State for Tener, and to hell with Congress."

Q. That was the Republican Congressman?—**A.** I didn't hear it that way.

Q. Where did you hear that?—**A.** It was common speech.

Q. Tell me one man?—**A.** I don't care to name any here.

Q. You have said it was common rumor; can you tell me the name of one man who said that?—**A.** I don't know that I want to name them here.

Q. Is that your answer?—**A.** Yes.

Q. Can you do it?—**A.** I think I could.

Q. Do you know whether you could or not?—**A.** It is common talk; you hear it on the streets.

Q. I don't care whether it is common or uncommon. Give me the name of one man who said it.—**A.** I don't think it is necessary.

Q. Then you refuse to give me the name of a man?—**A.** Yes, sir.

Q. Why?—**A.** Because I don't want to reveal his name.

Q. How many men have you in mind whose names you don't want to reveal?—A. I don't know how many now.

Q. You say you heard that liquor men were saying: "Save the State for Tener and to hell with Congress"?—A. Yes.

Q. Don't you know that it was commonly reported that it was agreed among the retail and liquor men that—A. I wasn't there.

Q. Do you read the Times-Leader?—A. Yes.

Q. Didn't you see any comment in the Times-Leader upon the candidates, and particularly about the liquor interests being in favor of McLean?—A. I can't recollect it now.

Q. When did you make up your mind to vote for McLean?—A. Early in the campaign.

Q. How long after he was nominated?—A. He was nominated in June; two months.

Q. Were you voting for him from friendship or because you wanted a Democrat in the House?—A. No; neither.

Q. Why did you want to vote for McLean?—A. I thought he would be a better man.

Q. But the fact that a newspaper published this article changed your mind as to the man?—A. A newspaper like the Record, which is very conservative, and it is seldom that anything is in there that is not to be trusted. Had it been some newspapers it would not have changed my mind.

Q. If you had seen it in the Times-Leader would it have changed your mind?—A. Not necessarily.

Q. Whether it would necessarily or not, tell me. Do you consider the Times Leader such a paper?—A. It is not so conservative as the Record.

Q. Do you consider it such a reliable paper that your vote would have been changed by a statement in there?—A. That is, in an editorial?

Q. I don't care what way it appears; the same as it appeared in the Wilkes-Barre Record.—A. In the editorial it would.

Q. How did the Wilkes-Barre Record appear?—A. As a news article which was vouched for. It was not in the telegraphic dispatches.

Q. Who vouched for it?—A. The Record, I suppose.

Q. Then do you distinguish between the articles in the Times Leader between the news items and the editorials?—A. Yes.

Q. You know Ernest G. Smith?—A. Yes.

Q. You were one of his coworkers in the Keystone Party last year?—A. Yes.

Q. You have great confidence in him?—A. Yes.

Q. If you had seen an article written in the Times Leader, written by Ernest G. Smith, wherein it said, "It is said that the liquor dealers' retail association at their meeting yesterday indorsed McLean as the Democratic candidate for Congress," would you believe it?—A. Yes; I would; yes, sir.

Q. Don't you know that he said that the night before election?—A. No, sir; I didn't see that.

Q. Don't you read the Times Leader?—A. I do.

Q. Did you make any effort to ascertain whether or not it was true?—A. No. Q. Then your opinion was entirely changed as a voter by seeing that one newspaper article?—A. Yes.

Q. Did you ask anyone in Pittston if it were true?—A. No.

Q. Did you call up McLean?—A. No.

Q. Have you a phone in your home?—A. No.

Q. Have you a phone in your store?—A. Yes.

Q. Both phones?—A. Yes.

Q. And you made no effort to ascertain whether or not it was true?—A. No.

Q. Are you not very friendly to Mr. McLean in this contest? You were here twice.—A. I had to come.

Q. Have you any party politics?—A. Yes.

Q. What are they?—A. Last year it was the Keystone.

Q. What were they the year before?—A. It was the year before, 1909.

Q. You told me you were a Keystone last year; what was it in 1909?—A. I never voted a straight ticket; I voted for the best man.

Q. Did you vote the straight Keystone ticket last fall?—A. Yes, sir.

Q. Then you were mistaken a minute ago?—A. Perhaps.

Q. You have been a candidate for office?—A. Yes.

Q. On what ticket?—A. On the Republican ticket.

Q. Do you mean to say that you cut your Republican associates that year on that ticket?—A. Yes.

Q. That will do.

MARTIN MULLEN, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. CAMPBELL:

- Q. You live in the third ward of the borough of Avoca?—A. Yes.
- Q. How old are you?—A. I am old enough to vote.
- Q. About how old are you?—A. 64.
- Q. And you are a miner?—A. Yes, sir.
- Q. And you work under Mr. Patrick O'Brien?—A. Yes, sir; at No. 13, Law shaft, Central colliery.
- Q. How long have you worked there?—A. About 29 years.
- Q. How long have you lived in Avoca?—A. Since the 1st of April, '72.
- Q. In politics you are a Democrat?—A. Generally.
- Q. How much money did you receive last election?—A. \$5.
- Q. When did you receive it?—A. Election day.
- Q. From whom?—A. Patrick H. O'Brien.
- Q. Where did he give it to you?—A. Right on the sidewalk.
- Q. Where?—A. Up in Avoca.
- Q. On election day?—A. Yes, sir.
- Q. What did he say when he gave it to you?—A. Nothing: only gave it to me; didn't say do this or do that or the other thing.
- Q. He didn't say a word?—A. He didn't say anything in the line of politics—who to vote for or who not to vote for.
- Q. What did he say in any other line?—A. He didn't say a word; only handed me the \$5.
- Q. Only \$5?—A. Only \$5.
- Q. And he had never spoken to you before?—A. Yes; he asked me the day before if I wouldn't serve at the polls; stand there as a watcher.
- Q. To serve as a watcher at the polls?—A. Yes, sir.
- Q. Watcher for what?—A. Watch everybody that I could. Do you think that they were paid for nothing? You know generally what they are paid for. That's telling you straight.
- Q. Then you were to work for Mr. Bowman?—A. Most undoubtedly.
- Q. You were to get every vote you could for Mr. Bowman?—A. Most undoubtedly.
- Q. You had a large acquaintance among the Democrats in your ward?—A. Pretty well.
- Q. You were to work among the Democrats?—A. Most undoubtedly.
- Q. You were to get every Democratic vote you could?—A. Yes.
- Q. Up until last election were you a Democrat?—A. Not every time.
- Q. Now, how often have you been a Republican?—A. In borough elections I have never been a Democrat or a Republican, but in county elections I have been generally Democratic.
- Q. Had you ever been a Republican before in county politics?—A. No, sir.
- Q. You have always been a Democrat?—A. Most generally.
- Q. Had you ever been a Republican in county politics before?—A. No, sir.
- Q. Never had been before?—A. No, sir.
- Q. Of course, for President and for Congress, in national politics, you have been a Democrat?—A. Yes.
- Q. I understand that it is your proud boast in your community that you have been a good Democrat since you were a voter. Isn't that your boast among the neighbors of yours?—A. When I am a Democrat and working for the Democrats, I am.
- Q. But in national politics you have always been proud of the fact—proud of your reputation as being a good, sound, reliable Democrat?—A. Yes.
- Q. And you have always been up until this election, and this is the first time that you ever broke over?—A. This is the first time that I was a Republican.
- Q. This is the first time that you ever stood at the polls and worked for the Republicans?—A. Yes.
- Q. This is the first time, working for Mr. Bowman, the Republican candidate?—A. Yes.
- Q. You work for Mr. O'Brien?—A. Yes.
- Q. He gives out the breasts in your colliery, don't he?—A. Most undoubtedly he does.
- Q. And some are undoubtedly than the others?—A. Yes.
- Q. You make \$5 a day?—A. Yes, sir; and sometimes more.
- Q. Every day you work you make at least \$5?—A. Not every day, but sometimes more.

Q. You make from \$100 to \$125 a month?—A. If I would make half of it some time it would be all right.

Q. That is, when you work every day?—A. If I work every day and make \$60 or \$70 I am satisfied.

Q. When do you make \$40 or \$75?—A. When I am at work, I would make generally more, sometimes less; sometimes more, sometimes less; when I am driving the headings.

Q. Depending, of course, on the kind of breasts you have?—A. Most undoubtedly.

Q. Sometimes you get bad breasts, occasionally?—A. Not very often.

Q. You are a favorite of Mr. O'Briens?—A. No; I am no favorite of anybody. As far as that is concerned I don't believe Mr. O'Brien favors anybody, as far as that is concerned.

Q. Are they all good breasts?—A. Good breasts; the majority of them.

Q. Any bad ones?—A. Good and bad ones wherever you go.

Q. Was this money paid you for the loss of your day's wages or to go out and work for him among your Democratic friends?—A. For my day's wages.

Q. How much were you paid?—A. I told you before, \$5, and I am not going to sing it out fourteen times over and over.

Q. How much were you paid for loss of your day's wages and how much were you paid for the work among your Democratic friends?—A. I told you before, \$5. If you ask me again I will tell you the same thing over.

Q. I only want the truth.—A. I am only telling you the truth. I am under my oath; I am only telling you what it is.

Q. Mr. Mullin, who else worked that day?—A. How do I know?

Q. At the polls?—A. How would I know?

Q. You were there.—A. I was there, but I am not supposed to know everybody present.

Q. Well, do you know?—A. I know my own business.

Q. To the best of your opinion, to the best of your knowledge and belief?—A. That you won't find out from me; find out from somebody else. Let everyone answer for themselves; I won't answer for no one but myself.

Q. You were in the third ward of Avoca?—A. Yes.

Q. And one of the watchers?—A. Yes.

Q. A Democratic watcher?—A. A Republican watcher the last time.

Q. Who else was a watcher, either Democratic, Republican, or Keystone?—A. I am not supposed to keep track of them.

Q. I am not asking you that. I am merely asking you to tell what you saw.—A. I will not tell anything. I am not supposed to tell.

Q. I am not asking you what you are supposed to do; but you are supposed to tell what you know.—A. I don't know; there were any amount of them around there.

Q. Who were looking after the Democratic interests around there?—A. I don't know.

Q. Tell me, if you please, what other watchers were at the polls?—A. I tell you there were so many around that I didn't know who was watching or who wasn't watching.

Q. Do you know Thomas Meehan?—A. Yes.

Q. What was he doing?—A. Standing around. He is here if you want him.

Q. He was standing there, was he?—A. Yes; pretty near all day.

Q. Do you know Walter Martin?—A. Yes.

Q. What was he doing?—A. That I don't know.

Q. Was he there?—A. Not very much there.

Q. He was there a number of times?—A. I seen him there, that is about the size of it.

Q. Do you know Thomas Rowlands?—A. Yes, sir.

Q. What is his business?—A. He was on the board, I told you.

Q. No; I mean in working.—A. He is a mineforeman.

Q. For what colliery?—A. For the D. & H.

Q. You say he was on the board?—A. Yes; I said it.

Q. Do you know William Hughes?—A. Yes.

Q. I am very sorry, Mr. Mullin, you are always obliged to wink and make fun of me. I have a few white hairs and I have been very courteous to you, and I must ask you to stop. Do you know William Hughes?—A. I am not making fun of you. I am an older man than you. I know him.

Q. Was he there?—A. Yes; he was there.

- Q. How long was he there?—A. I don't know that either.
 Q. About how long?—A. I don't know.
 Q. Was he there in the morning?—A. I don't know whether he was there in the morning, or just what hour, or not.
 Q. We will say 10 o'clock?—A. I seen him sometime through the day—off and on a number of times.
 Q. He was there occasionally?—A. Probably—I don't know.
 Q. I am just asking what you know. How often was he there?—A. If he came in the morning and stayed there all day, that would be only once that he was there.
 Q. He was there in the morning and until evening?—A. He may be, for all I know.
 Q. How long was he there? Tell us.—A. I can't tell you.
 Q. About how long?—A. Well, I had something else to do than watching him.
 Q. About how long?—A. I didn't have my eyes on him all the time; I had something else to do. I had other things to do.
 Q. Was he there the greater part of the day?—A. Probably he was there and probably he wasn't.
 Q. Wasn't Thomas Meehan there nearly all day?—A. Coming and going; yes.
 Q. Wasn't he working as a watcher?—A. No, sir.
 Q. What was he working at?—A. Nothing; only standing around. The gentleman is here.
 Q. What was his business?—A. Ask him. I won't answer it.
 Q. I will ask you.—A. I won't answer. He is here to answer for himself.
 Q. He was going in with the voters, marking the ballots for different people?—A. Yes.
 Q. Who were they?—A. I don't know as I have to answer that.
 Q. Do you refuse to answer?—A. I think I will refuse to answer that. I don't think that I have a right to answer that.
 Q. Do you refuse?—A. Well, I object to answering that. Sometimes there is one marking a man's vote and sometimes marking another man's vote.
 Q. Who were the men doing the greater part of the marking?—A. I don't know anything about it. I object to answering that.
 Q. You say you don't know anything about it; is that true? Do you want that to go down?—A. I don't care if it does go down or if it comes up. I don't know anything about who marked any man's vote but my own.
 Q. I am not asking you who they were. I am asking you who went in with the greater number of the voters and marked their ballots?—A. I wasn't inside the booths.
 Q. Who did you see going in with the voters?—A. I don't know. I was on the outside and they were on the inside.
 Q. Did you see anybody go in with the voters and mark their ballots?—A. I did not.
 Q. Then why did you swear that some men went in with the voters?—A. I didn't.
 Q. Your memory is good, isn't it?—A. Yes.
 Q. And your health is good, isn't it?—A. Pretty good for an old man.
 Q. Did you mark any ballots that day?—A. I couldn't mark me own.
 Q. Who marked yours for you?—A. Somebody else, I do not know, that's all, Mr. JONES. You don't have to testify to that unless you want to.
 A. I am not going to. I will tell you that straight, understand. I have been in the courthouse before to-day.

Cross-examination by Mr. JONES:

- Q. How long have you known Mr. Bowman?—A. Since ever he came to Pittston to live.
 Q. Did you ever work for him?—A. No, sir; I did not.
 Q. But you have always been on friendly terms with him?—A. We have been on friendly terms since he came to Pittston, and when he ran I said I would vote for him.
 Q. You have known him for a long time and have always been friendly with him?—A. Yes; we were always friendly, and have always found him to be a perfect gentleman.

THOMAS MEEHAN, called on behalf of the contestant, and duly sworn by Commissioner Turner.

Examined by Mr. CAMPBELL:

- Q. Where do you live?—A. In Avoca.
 Q. In the third ward?—A. Yes, sir.
 Q. About how old are you?—A. 58.
 Q. How long have you lived in Avoca?—A. About 30 years.
 Q. You are a miner?—A. Yes, sir.
 Q. In what colliery?—A. In the Law shaft, and have been there since I came to the country.
 Q. Who is the foreman of that?—A. Mr. O'Brien is now.
 Q. And he was at the time of the last election?—A. Yes.
 Q. Last November?—A. Yes.
 Q. In politics you have been until last November a Democrat?—A. Yes, sir; and is to-day.
 Q. And you have been ever since you were a voter?—A. No, sir; if I met a good Republican I would vote for him. A good man at any time I will help him.
 Q. Were you a watcher that day?—A. No, sir; I stood there looking on all day, only when I took a walk around. I never got nothing and didn't want anything.
 Q. You were working for Mr. Bowman?—A. I was helping my butty, working for Mr. Mullin. I didn't take no money and I didn't want any.
 Q. Your health was good that day?—A. Pretty good. I got two or three old citizens up there I would like to bring down.
 Q. You had worked that day?—A. Yes.
 Q. Why weren't you working that day?—A. I never worked hardly any election day; I stop at the polls.
 Q. You were around there all day?—A. I helped my butty, Mullin; yes.
 Q. What other people were working there that day that you observed?—A. I didn't take notice of anybody. We was there, in and out; go up and vote with Mullin and myself.
 Q. Did you see Walter Martin there?—A. No, sir; I didn't see Martin. No; I didn't see him. Mullin and myself used to go to the houses of the people that we knew and ask them to vote.
 Q. Did you see Thomas Rowlands?—A. He was on the board.
 Q. Did you see him mark any tickets?—A. No.
 Q. Did you mark any tickets?—A. I marked mine.
 Q. Did you mark any others?—A. No.
 Q. Did you see anybody?—A. No; I kept outside all the time. I might have gone in for a match to kindle my pipe and walk right out again.
 Q. Was William Hughes working there that day?—A. I believe he was awhile in the afternoon.
 Q. What is his business?—A. Miner it is, I guess.
 Q. Do you mean to say that you and Mr. Mullin were the only people that did any work for the candidates?—A. That is all I took notice of, me and Mullin. We worked there that day from 7 o'clock up until 7, only when we went for our meals.
 Q. For any other candidates for any other office did you see other men working for?—A. I didn't take no notice.
 Q. Did you see anybody else there?—A. I seen plenty of voters there going in and out.
 Q. Didn't you see some men soliciting voters to vote besides you and Mullin?—A. I never seen a man besides Mullin.
 Q. Didn't you see people marking the ballots for voters?—A. No, sir; I never went in the polling place, only as I said before; I was standing outside.
 Q. Did Mr. O'Brien speak to you about working for Mr. Bowman?—A. No, sir.
 Q. Do you know why he didn't speak to you? He said he spoke to nearly every man he saw.—A. I hadn't met O'Brien until I seen him coming into the polls.
 Q. From June until November you saw Mr. O'Brien nearly every day?—A. I know him this 29 years. I worked for him before he was a foreman.
 Q. From last June until November you saw him—you saw Mr. O'Brien—nearly every day?—A. Yes, sir.
 Q. And you consider him a friend of yours, a good friend of yours?—A. I don't know as he is a friend of mine. He gives me a place to work. He is the

superintendent of the men. He gives me work; place to work, same as the others. He gives me a day's work; that is all I want.

Q. He is friendly with you?—A. He doesn't do anything wrong to me.

Q. He speaks to you every time?—A. He bids me the time of morning every time he meets me.

Q. And you meet him every day; and do you say that from June until election day he never said a word to you?—A. Didn't speak a word to me.

Q. Mr. O'Brien said he spoke to nearly every person he could. Did you see him speak to anybody in your presence?—A. No, sir; but he might talk; I don't want to listen to men on the street.

Q. I said in your presence.—A. No.

Q. You never saw him?—A. No, sir.

Q. And never heard him?—A. No.

Q. Did you hear that he was working for Bowman?—A. Yes, sir; I knew he was.

Q. How did you come to know that?—A. I know he was good friend of his.

Q. How did you come to know that he was out for Bowman?—A. Mullin told me.

Q. Didn't he tell you that O'Brien had spoken to him?—A. No; he never mentioned O'Brien.

Q. You say Mullin told you that he was working for Bowman?—A. Mullin was. Mullin was telling me that he was going for Bowman, and he said he knew Bowman a long time. He knew him a long time, and he was working for Bowman. I knew Bowman a long time, too.

Q. Didn't Mr. Mullin say to you that O'Brien had spoken to him?—A. He never did; he never said so in his life time.

Q. How did you come to know that O'Brien was working for Bowman?—A. I heard he was from outsiders at the polls.

Q. But you heard it before. You heard it before election day, didn't you?—A. I didn't know much about it before election. I am not a great politician, anyway, but a man I am going for I am going for.

Q. Didn't you hear before election that Mr. O'Brien was working for Bowman?—A. No. I didn't; and I won't tell you that. You want me to say that I did.

Q. I want you to say only what is the truth?—A. Well, I didn't hear it until Mullin told me the next morning.

Q. What morning?—A. Election morning.

Q. He told you O'Brien was for Bowman?—A. He might have; I don't know whether he did or not. Either himself or some of the boys at the Last Chance; it was one of them. I heard Bowman was the man, and I was asked to vote for him, and I voted for him.

Q. Did David Davis speak to you? You heard David Davis was for him?—A. O'Brien or David Davis never spoke to me about Bowman in my life.

Q. You say that you heard David Davis was for Bowman?—A. Yes.

Q. When did you hear about that? Election day?—A. Night before election.

Q. David Davis is the foreman of the D. & H.?—A. Yes; what we call the Last Chance; that is the last chance there anyway.

Q. Then the graveyard?—A. Pretty near it. I think I will stop voting since I have to come down here for a vote.

Q. That is what you get for voting for a Republican?—A. I will vote for a good man whatever his party is.

Q. Nearly all you voted for before were Democrats?—A. Yes; I turn my coat for the good ones; I know the good men and the bad ones.

Q. Have you found any good Democrats?—A. Yes, sir; and bad ones.

Cross-examination by Mr. JONES:

Q. You say you have known Mr. Bowman a great many years?—A. Yes, sir; and a good friend he was, too.

Q. You always liked him?—A. Yes.

Q. And you were there that day helping Mullin?—A. Yes, sir; out for Bowman. I always helped Mullin. That is what I stopped home for. What Mullin couldn't get I could get; two old citizens and neighbors. If Mullin wasn't able to get him I could.

Q. You and Mullin went to the neighbors and asked them as a favor to vote for Bowman?—A. Yes; and we helped to drink the \$5, and we spent \$5 more along with it, and I don't deny I had my jigger every time, and when that \$5 was done we started on our own.

Redirect examination by Mr. CAMPBELL:

Q. How much did you and Mullin spend besides the \$5?—A. I couldn't tell you.

Q. Did you take any voters and give them drink?—A. No; if a man wouldn't vote for me without a drink he would not vote at all. If he wouldn't vote for me without a drink I would tell him to go to hell.

Q. But, Mr. Meehan, did you give anybody a drink that day that voted for Mr. Bowman after they voted?—A. Not until the polls were closed and the saloons were opened. Then I said everybody in the house have a drink and I am going home, no matter who they voted for.

Q. When? When you were spending your own money?—A. No; sure, I could spend \$5 in five minutes.

Q. What time did you begin drinking your own money?—A. The time the polls were closed.

Q. Did you spend Mullin's \$5 in five minutes?—A. I helped, but I didn't handle; I got my share.

Q. How long did it last?—A. I don't know, but we kept it going while it was hot, and when it was done he told me it was done, and that settled it. But I never had a glass of beer or a glass of whisky out of it, because I don't drink it, but I had a cigar or something and got my share.

Q. How much did you spend after that?—A. I can't tell; maybe a couple of dollars, maybe \$1.50, or maybe \$1.25; I put down a little tick every week, but I forgot it now.

Q. Now, I will have to ask you not to be winking at the lawyers, too.—A. I have a sore eye. I hurt my eye in the mines, and when I was riding a mule in Ireland a thorn run in me eye, and I have to keep it shut once in a while. Do you know what a thorn is at all? Well, it is a piece off a blackthorn stick, or the bush that you get the blackthorn sticks from, and the thorn got off and went in my eye and I feel it off and on now and then.

Q. How much did Mullin spend that night?—A. I don't know.

Q. About how much?—A. If I told you what Mullin spent it would take all the lawyers in Wilkes-Barre to-day, because he spent thousands and thousands of dollars, and so did I.

Q. A thousand?—A. I don't know. God knows, I went home. May be he set them up and maybe he went home.

Q. So far as you know?—A. I can't tell you.

Q. In whose place did you spend it?—A. We were at Gilroys and at Welsh's; in both places a bit.

Q. This was right after the polls closed?—A. After they opened half past seven or eight o'clock, whatever time they opened.

Q. In the morning?—A. In the evening when the polls were shut.

Q. Aren't you mistaken about that, that you spent money after the polls closed that night?—A. You must know more than I do, because I went in the saloon afterwards, and I am sure I never came out without spending money.

Q. Do you remember?—A. I do remember.

Q. What is Gilroy's name?—A. I don't know; they call him "Gill," that is down the street.

Q. What is the name of the other place?—A. Welsh's.

Q. What is his first name?—A. He is dead now.

Q. What was his name?—A. Pat Welsh.

Q. Aren't you mistaken about the night—election night?—A. Well, I know everything since the day I left Ireland.

Q. Don't you know that the law requires all saloons to be closed until 12 o'clock election day?—A. I don't know anything about the law. I think it was 8 o'clock they opened. It was after the polls were shut, anyway.

Q. You don't want to say that these good neighbors of yours were violating the law, do you? Be careful what you say.—A. By God; that's right.

Q. Your friends are law abiders and they don't violate the law?—A. Well, I could get a drink here in the city of Wilkes-Barre on Sunday, too. I could get 60 drinks here.

Q. Do you mean to say that the saloons opened in violation of the law that evening?—A. We could get in the side doors.

Q. Is that the way you get in, through the side doors? How many were in there?—A. By God; I can't tell you.

Q. About how many?—A. About 100.

Q. Mr. Meehan, you know you said you knew everything since the day you left Ireland?—A. I do.

Q. How is it, then, you can't tell us?—A. I don't know the number of the men who were in the saloon. You might as well ask me to go in the opera house and count them in there.

Q. How many men were working at the polls that day in that ward?—A. Me and Mullin, I guess.

WILLIAM HUGHES, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. CAMPBELL:

Q. Where do you live?—A. In the third ward of Avoca.

Q. What is your business?—A. Miner.

Q. General mining?—A. Yes.

Q. Contracting miner?—A. Yes.

Q. Were you at the election polls in the third ward of Avoca at the election held on the 3d day of November?—A. Yes; I was there until the polls closed. I went down and voted there at 2 o'clock. I was back and forth all day.

Q. Were you working there in anybody's behalf?—A. Yes, sir; I was trying to get all the votes I could for Mr. Bowman.

Q. You were trying to get all the votes you could for Mr. Bowman?—A. Yes, sir.

Q. In politics you are a Republican?—A. Yes, sir.

Q. How much money did you receive that day?—A. Not a cent.

Q. Who were the Republican watchers there that day?—A. I don't know.

Q. You were there?—A. I was there from 2 o'clock.

Q. How many did you see there?—A. There were lots of people around.

Q. Did you make any inquiries as to who they were working for?—A. No, sir.

Q. Did you hear they were Republican watchers?—A. No, sir.

Q. Did you hear who were the Democratic watchers?—A. No, sir.

Q. Didn't you know Mr. Mullin and Mr. Meehan were the Democratic watchers?—A. I seen them there, but I didn't know what their business was there.

Q. Didn't you know that Timlin and Mullin were out bringing in all their good Democratic friends to vote there that day?—A. I didn't see Mr. Timlin there.

Q. Did you see Mullin and Meehan?—A. I saw them back and forth.

Q. Just like yourself?—A. Yes, sir.

Q. You were soliciting Republicans?—A. Yes.

Q. You were out soliciting Republican voters, and Mullin and Meehan were out working for the Democratic voters?—A. I don't know.

Q. You said you saw them working?—A. I didn't see them working; I didn't know their business.

Q. Didn't you see them going off and coming back with voters?—A. No, sir.

Q. Never did? Mr. Mullin says he went after every voter he could get.—

A. That was not my business.

Q. Did you ever work at the polls before?—A. Yes; I have been working at the polls for the last 23 years.

Q. And you worked this year?—A. Yes, sir.

Q. By whom were you selected watcher?—A. By the friends of Mr. Bowman.

Q. Who was the friend?—A. I am a friend of his.

Q. Up until this year you have been a regular Republican watcher in that district?—A. No; I always worked for the Republican Party.

Q. And you never got watcher's wages?—A. No, sir.

Q. And I understand that for 23 years you have given up election day to work for the Republican Party?—A. I give half a day.

Q. You give half a day on election day without any compensation?—A. Yes.

Q. You said a little while ago that you were a poor Republican?—A. No; I said that I was a full Republican.

Q. You were much interested in politics?—A. Yes.

Q. Have you ever run for office up there?—A. No, sir. Oh, yes; I did.

Q. What office did you run for?—A. I run for school director and was defeated.

Q. Did you ever hold any office?—A. No.

Q. Then you have been actively interested in politics in that ward?—A. In the third ward and in the second ward before we moved to the third.

Q. And you are well acquainted with all the people in your ward?—A. Yes, sir.

Q. But you don't know who the Republican watcher was there that day?—A. No; I didn't ask nobody who was the watcher.

Q. Not what you asked. To the best of your knowledge and belief, I am asking you who was the Republican watcher there?—A. I don't know.

Q. Did you ask anybody whether the Republicans had a man there to look after their interests?—A. No.

Q. Did you see anybody who was looking after the Democratic interests?—A. No.

Q. How many ballots did you mark that day?—A. I didn't mark only my own.

Q. Who was it that did the marking there that day?—A. I don't know. Isn't everybody supposed to mark their own?

Q. Whose did you mark?—A. I marked my own.

Q. You worked for Mr. Bowman?—A. Yes.

Q. What work did you do?—A. I got out all the votes I could.

Q. Did you go to the houses and bring in the voters?—A. I got my own family.

Q. And did you have to lose a half of a day to get your family in?—A. No; I am just home half a day.

Q. And in that half of a day you went after the voters to come and vote for Mr. Bowman, didn't you?—A. Yes.

Q. And you went in and marked their ballots?—A. No, sir.

Q. Who did you get to mark their ballots?—A. They marked their own.

Q. Do you know of any person having assistance in having his ballot marked in that district?—A. No.

Q. Not one?—A. No.

Q. Who is your boss?—A. O'Brien.

Q. O'Brien is your boss?—A. Yes. .

Q. How long has been your boss?—A. About three or four months.

Q. Was he your boss on election day?—A. Yes.

Q. Did he say anything to you before election day about voting?—A. No.

Q. But you met him every day before election?—A. No; not every day. I maybe met him once a week.

Q. Did you hear O'Brien testify in this hearing?—A. No.

Q. Didn't you hear him within an hour testify here?—A. Yes.

Q. Didn't you hear him say he exercised every influence in his behalf for Bowman?—A. He didn't need to use any influence on me, because I was for Bowman myself.

Q. And he didn't say a word to you?—A. No.

Q. Didn't David Davis say anything to you?—A. No.

Q. He was working for Bowman?—A. He is in the second ward.

Q. Did you hear about it?—A. No.

Q. Did you hear that O'Brien was working for Bowman?—A. No.

Q. And you moved around every day?—A. Moved around every day.

Q. And you didn't know that O'Brien was working for Bowman?—A. No.

Q. When did you hear that O'Brien was working for Bowman?—A. I didn't hear it.

Q. You didn't hear it until next day, or I mean until to-day?—A. To-day.

Q. Did you see anybody working on election day in that ward—I mean at the polls?—A. No.

Q. Soliciting votes for Bowman or McLean?—A. No.

Q. You are the only man, so far as your recollection goes, who asked people to vote for Bowman or McLean?—A. I tried to get all the votes I could.

Q. How many people did you speak to?—A. Our family counts 10 or 12.

Q. Had you spoken to them before election day?—A. I see them every day in the house.

Q. You say that your family has 10 voters in it?—A. Yes; all the family there.

Q. All living in your house?—A. No.

Q. Were they all living right there in the third ward?—A. In the third ward.

Q. So that before election day you went to the different members of your family and asked them to vote for Bowman?—A. No; when I would see them I would tell them to vote for Bowman.

Q. They are Republicans?—A. Sure.

Q. Why did you ask them to vote for Bowman?—A. Because when they were little children Bowman was good enough to give me work.

Q. They always vote the Republican ticket?—A. Sure; they are Republicans.
 Q. Then what necessity was there for telling them?—A. To make them to remember to be sure and do this.

Q. Why did you single out Bowman? Did you tell them to be sure to vote the Republican ticket or to vote for Bowman?—A. I told them to vote for Bowman.

Q. Did you tell them to vote the Republican ticket, too?—A. Sure.

Q. Now, which was it? Didn't they know that Bowman was on the ticket?—A. They voted the party.

Q. Why did you lose a half of day?—A. I didn't lose a half of a day.

Q. You laid off a half of day?—A. No; I always get home about noon.

Q. You went to the polls to see that your sons voted as you told them to?—A. I live maybe 50 feet away.

Q. Did you ask any others—any others to vote?—A. No.

Q. The best you could do for Bowman was to get your family to vote for him?—A. I did all I could for him.

WILLIAM TIMLIN, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. CAMPBELL:

Q. Do you live in the third ward?—A. No, sir; in the second ward.

Q. What is your business?—A. Electrical worker.

Q. For whom?—A. For myself; I do work contracting.

Q. What are your politics?—A. I haven't any special party; I vote for the best man.

Q. In national matters, of course, you are a Democrat, or are you a Republican or Prohibitionist?—A. Probably a Democrat.

Q. In fact, you always voted for the Democratic President?—A. Not always.

Q. But you are—but you consider yourself a Democrat?—A. Yea.

Q. You were a worker on election day in this ward, were you not?—A. Yes, sir.

Q. For Mr. Bowman, or in his behalf?—A. Yes.

Q. Who employed you?—A. Nobody.

Q. Nobody at all? What work did you do for him that day?—A. I done all I could to get him votes.

Q. At whose instance did you do it?—A. Nobody's instance. Mr. Bowman called me on the phone the day before and asked me if I could do anything for him; but that didn't make any difference, I would work for him just the same.

Q. Then you did it at the request of Mr. Bowman?—A. He asked me if I would do something for him, and I did.

Q. Who else worked at the polls?—A. Patrick McKeown.

Q. McKeown is an assistant fire boss?—A. I don't know his occupation.

Q. He works at the colliery in which Mr. O'Brien is the foreman?—A. I can't say.

Q. You know that he is an assistant foreman or fire boss?—A. I don't know anything about his occupation or where he works.

Q. What are McKeown's politics?—A. I don't know.

Q. Did you ever hear?—A. No, sir.

Q. Who else worked there?—A. Edward Bennett.

Q. What is his business?—A. I believe he is a miner.

Q. Do you know for what company he works?—A. No, sir.

Q. How many collieries are there in Avoca?—A. Four.

Q. They are all controlled either by the D. & H. or the Hillside Coal & Iron Co. or the Pennsylvania Coal Co.?—A. One by the Lehigh Valley, two Pennsylvania Coal Co., and one D. & H.

Q. Which colliery does Mr. Bennett work at?—A. I don't know.

Q. What are Mr. Bennett's politics?—A. I don't know.

Q. Who else worked there?—A. Michael Healey.

Q. Where does he work?—A. He was working for the Pennsylvania Coal Co. or the Hillside.

Q. Do you know who his foreman was?—A. Jones.

Q. What is his business?—A. He is in the legislature.

Q. Who else did you see there?—A. Benjamin Webb.

Q. What is his business?—A. miner.

Q. For what company?—A. I don't know.

- Q. Who else?—That's all.
 Q. Do you know Michael O'Brien?—A. Yes.
 Q. He is a brother of Patrick O'Brien?—A. Yes.
 Q. Was he working there?—A. No, sir.
 Q. Did he come there at all to assist?—A. No, sir.
 Q. Do you know Mr. Gus Carey?—A. Yes.
 Q. What is his business?—A. Assistant foreman.
 Q. For the Pennsylvania Coal Co.?—A. Yes; at 13 shaft, the Pennsylvania Coal Co.
 Q. Was he working there that day?—A. No, sir.
 Q. Did he vote?—A. I believe—I thought I saw him coming there to vote.
 Q. Wasn't he in the immediate locality, standing at some distance?—A. No, sir.
 Q. And Thomas Davis, wasn't he watching there and working?—A. No, sir.
 Q. Was Mr. W. H. Hollister about the polls?—A. No, sir; he came there to vote.
 Q. Who were the Democratic watchers?—A. Michael Healey.
 Q. Who was the other one?—A. I don't know.
 Q. Who were the Republican watchers?—A. Edward Bennett and Benjamin Webb.
 Q. What party did McKeown represent?—A. Working for Mr. Bowman.
 Q. Was he a Republican or a Democrat?—A. I don't know what his politics are.
 Q. You have known Mr. McKeown all your life?—A. Yes.
 Q. You engage in politics?—A. Never before, I have only voted.
 Q. Did you ever run for office?—A. No, sir.
 Q. How large is Avoca?—A. Four thousand seven hundred.
 Q. How far do you live from McKeown?—A. Well, across the street, within five doors.
 Q. The municipal fights up there are always what we call hot fights; every person up there is solicited and canvassed for their vote for councilman, burgess, and school director?—A. I have never been in politics. I never took an interest in it.
 Q. I am asking you from your knowledge of conditions up there?—A. Yes.
 Q. You have been solicited in every election?—A. No, sir.
 Q. I am speaking of municipal fights, school director, and councilman?—A. Not particularly; if I knew somebody I voted for them.
 Q. Have you been solicited or canvassed to vote for them?—A. No, sir.
 Q. Then the only person who ever asked you to assist him in his campaign was Mr. Bowman?—A. I believe it was.
 Q. The first man that ever asked you to assist him was Bowman?—A. Yes; I think so.
 Q. How many ballots did you make that day?—A. None, except my own.
 Q. Did you see any person other than the voter go in and assist voters to mark?—A. Yes.
 Q. How many?—A. One.
 Q. Just one man?—A. Yes.
 Q. That is all you saw?—A. Yes.
- Cross-examination by Mr. JONES:
- Q. For how long have you known Bowman?—A. Ten years.
 Q. Have you been on friendly terms with him for that time?—A. Yes.
 Q. There has been a close friendship between you?—A. Yes.
 Q. And you know his son well and worked with him?—A. Yes.
 Q. And in Mr. Bowman's candidacy you had a friendly interest?—A. Yes; personal friendship.
 Q. And that is the only thing that induced you to go to the polls?—A. That is all.
 Q. You received no pay and no promises?—A. No pay and no promises of any kind; no, sir.
 Q. You were interested in Bowman solely as a friend?—A. Yes; I worked 1 day, and I would have worked 50 days to have helped Mr. Bowman's interests.
 Q. Who was the man that you saw mark the voter's ballot?
 (Mr. McLean, counsel for contestee, goes to the witness and whispers before putting the question.)

Mr. JONES. Note there that the counsel for the contestee spoke to the witness and asked him if he knew the man who marked the ballot, and had he any objections to giving his name.

Q. Who marked the ballot?—A. Michael Healey.

Q. A Democratic watcher?—A. A Democratic watcher for McLean.

Redirect examination by Mr. CAMPBELL:

Q. Do you swear that is the only ballot marked there?—A. That is all I saw.

Q. Where were you during the day? What work did you do for Bowman?—

A. I went out and went to the people that I knew.

Q. Had you spoken to anyone, before election, in Bowman's behalf?—A. Yes; I was talking before election day.

Q. You solicited every person that you knew?—A. Yea.

Q. And then on election day you went after them?—A. Yea.

Q. Did you find any people unable to mark their ballots among the people whom you solicited?—A. No, sir; not one.

Q. Every man whom you solicited was able to mark his own ballot?—A. Yea.

Q. Every one?—A. Every one.

Q. Isn't it a fact that a good many people in that district are illiterate and unable to mark their own ballots?—A. Well, I don't know. I wasn't familiar with them. It was my first time.

Q. When you went to the polls didn't you see people going in and marking ballots?—A. Not often. I never spent more than five minutes at the polls before.

Q. You know that from common report that it is usually practiced up there?—A. No, sir.

Q. Wait till I get through. Have you heard that it is common practice up there to have people go in and mark the ballots for the voters?—A. No, sir.

Q. You never heard that?—A. No, sir.

Q. And the first one that you ever heard of that ever did anything of that sort was Michael Healey?—A. Yes; the first one I ever saw.

Q. Or that you ever heard of?—A. Yes.

Q. Don't you know that it was common practice there for watchers to go in and mark ballots?—A. No.

Q. You have never heard of it?—A. No.

Q. How old are you?—A. Thirty.

Q. And you have lived in Avoca all your life?—A. Ten years.

Q. Now, Timlin, you say Healey marked that ballot for McLean?—A. No; I said he was McLean's watcher.

Q. How do you know that Healey marked that ballot?—A. I saw him go in the booth with the man with the ballot.

Q. You didn't see him mark it?—A. No.

Q. Why did you swear that he marked it?—A. He went in the booth with him.

Q. You didn't see it marked?—A. No, sir.

Q. And you never heard of such a thing being done, did you?—A. No, sir; I might have heard of something.

Q. Didn't you awhile ago swear that you never heard of it?—A. I swore that it wasn't a common practice up there.

Q. Didn't I ask you of it being a common practice up there of people coming with the voters and marking their ballots?—A. Sometime ago I have heard it at other polls.

Q. I am asking you about that place?—A. Not there.

Q. But you have heard it at other polls?—A. Yes, sir.

Q. Did you ever hear of it in other boroughs?—A. Yes.

Q. What did you hear?—A. That there was men couldn't mark their ballots; that is all. I have read of that in the newspapers.

Q. What do you mean by that?—A. They were unable to mark their ballots; I don't know it.

Q. Is it possible there are no men in your community who are illiterate or physically incapacitated who are voters?—A. I don't know of any.

Q. You don't know of one, not one, in your ward?—A. No.

Q. And you have never heard of it except in other wards that a man had called in assistance to mark his ballot?—A. What I read in the paper; that's all I know about it.

Q. In other communities?—A. I never marked any at all.

Q. But since Healey went in you were satisfied that he had done that?—A. It appeared that way.

Q. And you couldn't say what he was doing there?—A. No.

Q. Yet you are certain that he marked the ballot?—A. You asked me whether I saw anybody mark a ballot and I told you as near as I knew.

A. A. CAREY, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. CAMPBELL:

Q. Where do you live?—A. Avoca.

Q. In what ward?—A. The second ward.

Q. What is your business?—A. Assistant mine foreman.

Q. At what colliery?—A. The Central, No. 13, Pennsylvania.

Q. Who is your foreman?—A. O'Brien.

Q. Did Mr. O'Brien speak to you about working for Mr. Bowman?—A. No, sir.

Q. I don't mean in the mines; I mean outside of the mines?—A. No, sir.

Q. He never said anything to you?—A. No.

Q. Did anybody say anything to you about working for Mr. Bowman?—A. No, sir.

Q. Did you do any work for Mr. Bowman?—A. No, sir; not at all.

Q. Were you not a watcher in the second ward?—A. No.

Q. Did you speak to anybody in behalf of Mr. Bowman?—A. No.

Q. How long were you at the polls on election day?—A. About two minutes.

Q. Just to vote?—A. Yes.

Q. Are you sure now that O'Brien didn't say anything to you on behalf of Mr. Bowman?—A. No, sir; not a word.

Q. Didn't he on one occasion tell you of his deep obligation to Mr. Bowman for favors rendered?—A. No, sir.

Q. You meet him every day?—A. No, sir.

Q. How often did you meet him?—A. Every two or three days.

Q. Did you meet him on the streets of the town?—A. No; I never met him on the streets in my life; not to speak to him; only around the mines is the only place I met him.

Q. You never met him in town at all?—A. No.

Q. You live in Avoca?—A. Yes.

Q. Did you receive any money from anybody for political purposes at the November election?—A. No, sir; not a cent.

Q. Did you give any money to anybody?—A. No, sir; had nothing to do with it at all.

THOMAS ROWLANDS, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. CAMPBELL:

Q. You live in the third ward of Avoca?—A. Yes.

Q. What is your business?—A. Assistant foreman.

Q. For what company?—A. The D. & H.

Q. You were a member of the election board last November?—A. Yes; as minority inspector.

Q. How many people who voted at that election had assistance in marking their ballots?—A. That I am not prepared to say.

Q. Well, about how many?—A. That I couldn't say, either.

Q. Can you give us any idea? Were there 10?—A. I wouldn't want to form any opinion whatever.

Q. Were there 50?—A. Because I was subject to rheumatism at the time and had been from nearly a year previous to that. That is a year ago last January, when I got the first attack, and I was in pretty bad shape on the day of election.

Q. Well, did that effect your memory?—A. It kept me moving; I couldn't sit down.

Q. Well, you noticed what was going on, of course?—A. To a certain extent I did, yes, during the day.

Q. During the day didn't you notice that people went in for the purpose of marking the ballots of some of the voters?—A. They did after asking permission of the judge.

- Q. About how many did that?—A. I have no idea at all.
 Q. Did a hundred do that?—A. No; because we didn't have but a little over a hundred votes.
 Q. Did 50 do it?—A. I don't know.
 Q. Did 25?—A. I couldn't get into that.
 Q. To the best of your knowledge and belief—I don't ask you the exact number—but about how many?—A. I don't want to give you any details, because I don't know.
 Q. Who did you see go in with these voters to mark their ballots?—A. There were several.
 Q. Who were some of them?—A. Why, old man Meehan.
 Q. And who else? That is, you mean Thomas Meehan, the man who was just on the stand?—A. Yes; the old gentleman, and there was others, too, there.
 Q. Who else? Who else marked ballots?—A. Walter Martin, the watcher; that is as near as I can remember. There were a few more there.
 Q. They were marking the ballots?—A. Yes; some of them generally do that at the elections.
 Q. Did you mark any ballots that day?—A. No.
 Q. Did any member of the board—the election board?—A. Not to my knowledge.
 Q. Walter Martin was working for who?—A. For the Republican Party.
 Q. Who were the other watchers there that day?—A. Old Mr. Mullin was there watching for Mr. Bowman.
 Q. Old Mr. Mullin?—A. Yes; that is about all I know.
 Q. And Thomas Meehan?—A. I don't know whether he was paid.
 Q. You don't know whether he was paid or not?—A. I don't know whether he was a hired watcher or not.
 Q. Was he working for Mr. Bowman; do you know that?—A. It seems that way.
 Q. How long have you been on the election board?—A. Six years.
 Q. Continuously, every year?—A. Yes.
 Q. About how many voters working at your colliery of which you are assistant foreman?—A. Well, now, there is very few of them.
 Q. About how many?—A. Well, I don't believe there is 15 or 20 working there altogether.
 Q. They were voters in the third ward?—A. Yes.
 Q. Was William Hughes marking ballots there that day?—A. I don't know whether he went there or not; whether he marked ballots I am not certain.
 Q. Was he working there?—A. Getting out votes for Mr. Bowman.
 Q. Then they were all for Mr. Bowman?—A. You might as well say the majority of them were.
 Q. Was anybody there working for Mr. McLean?—A. I don't think—I didn't see anybody breaking their necks.
 Q. You don't know anybody who was the Democratic watcher?—A. No, sir.
 Q. You know, however, that Thomas Meehan and Martin Mullin are Democrats?—A. Yes, sir; from away back.
 Q. How much money did you receive to use on behalf of Mr. Bowman?—
 A. Ten dollars.
 Q. Who gave it to you?—A. Gomer Morgan, the district chairman.
 Q. You were the district committeeman in that district?—A. Yes.
 Q. To whom did you give that \$10?—A. Walter Martin.
 Q. With what instructions?—A. To get out and do all he could for Mr. Bowman and the Republican ticket.
 Q. Did you give him instructions to give part of that money to other persons?—A. No, sir.
 Q. The \$10 was given to Martin?—A. Yes.
 Q. What are the politics of Martin?—A. Republican.
 Q. You know the Democrats and Republicans?—A. Yes, sir.
 Q. You also know all the Democrats in the district?—A. Pretty well.
 Q. It is a Democratic district by a big majority?—A. Yes; by a big majority.
 Q. The greater number of voters in that ward are Irish?—A. Yes.
 Q. The ward, however, went Republican for Mr. Bowman?—A. Yes.
 Q. When did you employ Mr. Martin?—A. I think it was two days before election.
 Q. Two days?—A. I think it was two days. I wouldn't be positive, but I think that it was two days that I spoke to him about it.

Q. What is Walter Martin's business?—A. He is a paper hanger and painter.
 Q. What was William Hughes doing?—A. What do you mean?
 Q. In the way of electioneering that day?—A. Trying to get the vote out.
 Q. He was out soliciting to the houses inducing people to come out to the
 polis; was that what he was doing so far as you observed?—A. As far as I
 observed.

Q. Did William Hughes solicit any money from you?—A. No, sir.
 Q. Up until this year he had always been a watcher in this district.—A. Some-
 times he was and sometimes he wasn't. Try to divide it up between all the
 men. Give it to one man one year and another another year. Somebody comes
 along with \$10 to give and we give them \$5 apiece. In other words, we hire
 the men according to the money we get there.

Q. But you stated you paid Walter Martin \$10.—A. Yes; because I thought
 he was worthy of his hire.

Q. What was his hire?—A. He was a good young man to go around and
 hustle the vote out.

Q. He was to get all kind of voters, both Democrats and Republicans?—
 A. It was up to the man.

Q. Who were the members of the election board besides you? Who was judge
 of election?—A. Old man Mullin's son; I don't know his first name, but his
 name is Mullin.

Q. For whom does he work?—A. Do you mean in the mines?
 Q. Yes; what is his business?—A. He is a miner.
 Q. Who was the majority inspector of election?—A. John Doran.
 Q. He was the Democrat?—A. Yes, sir.
 Q. And he works where?—A. He is a miner and works for the Erie Co.
 up at Sparrowville, up at Mudtown.

Q. That is the Pennsylvania Coal Co. and the Hillside Coal & Iron Co.?—
 A. Yes, sir.

Q. Who is district superintendent of that colliery?—A. Joseph Jennings.
 Q. Who was the majority inspector's clerk?—A. Timothy King.
 Q. For whom does he work?—A. He has been working over at Sparrowville,
 but whether he is working there now or not, I can't tell.

Q. For what company?—A. For the Erie Co. He is a boy. He is very much
 dissatisfied with his work and is going from one place to another.

Q. And who was the minority inspector?—A. Charles Johnson. He is kind
 of a coal inspector for the Erie Coal Co. He lives down around Pittston.

Q. By the Erie Coal Co. you mean the Pennsylvania Coal Co. and the Hillside
 Coal Co.?—A. Yes.

Q. And is controlled by the Erie Railroad?—A. Yes, sir.
 Q. Where does Gomer Morgan live, and what is his business?—A. He is up
 here in the jail.

Q. Where does he live?—A. Parsons, I believe.
 Q. You were district committeeman?—A. Yes.

A. C. CAMPBELL, called on behalf of the contestant and duly sworn by Com-
 missioner Turner.

Examined by Mr. JENKINS:

Q. You are a practicing attorney at the Luzerne County bar?—A. Yes, sir.
 Q. And have been for how many years?—A. Nearly 25.
 Q. You are at present counsel for George R. McLean, the contestant in this
 case?—A. Yes, sir.

Q. Were you counsel for Mr. McLean the time the vote was being counted
 and returned before the court of Luzerne County, sitting as a canvassing board
 under the election laws of Pennsylvania?—A. Only for about an hour at the
 beginning of the canvass.

Q. You did appear at the beginning of the canvass on the second day, I
 think, following the election as attorney for Mr. McLean?—A. Yes.

Q. And, as you say, served for about an hour?—A. About an hour; yes, sir.
 Q. What did you do then?—A. I withdrew from the hearing and had a note
 made of the fact—no; there was no note made of it.

Q. You informed an officer of the court that you were withdrawing. State
 what happened.—A. At the instance of Mr. McLean I was requested to appear
 at the counting or canvassing of the vote.

Q. At this point I will ask you whether when you thus appeared there you
 were the sole counsel or had assistance?—A. I was sole counsel, as far as I

knew. When the first or second or the third district that was called was brought before the court, I objected to the vote as returned by the triplicate sheet. I objected to its being counted on the ground that the triplicate sheet showed that the handwriting of the election officers was all made by the same person—their signatures. I objected to the vote being counted for the reason, but Judge Ferris said that he saw nothing serious about this, but that I would be given a half hour or so in which to make an affidavit that the return was fraudulent, and state wherein it was fraudulent. I was unable to do that, and from the adjudication of the judges, or by the court, in a former hearing, in the Mulhall-Salzburg hearing, and, so far as I had known, in all hearings up to this time the court had decided that they could not sit as a court of contest. That they could merely inquire into the regularity of the returns that gave evidence of palpable fraud, and palpable fraud was interpreted by them to mean a sheet on which there was erasure. That they could not send for the election officers, or for the ballot boxes, except in cases of that sort. Believing from this statement, made by Judge Ferris, that that would be the attitude of the court, I found that it would be absolutely useless, as far as Mr. McLean's interests were concerned, to remain there any longer, and I withdrew the objections made. My impression is that it was one of the first districts in the borough of Freeland. I then withdrew from the case.

Cross-examination by Mr. JONES:

Q. As a matter of fact, wasn't it the northwest or the northeast district of the township of Foster and won't the record so show?—A. That may be. It was in the first legislative district, but in what part of it I don't recall now; but it was among one of the first returns coming before the court for consideration.

Q. What were William S. McLean, jr., and Edwin Shortz doing there with you?—A. They were there looking for returns.

Q. For who?—A. I assume for George R. McLean.

Q. William S. McLean, jr., is a brother of George R. McLean?—A. Yes, sir.

Q. And Mr. Shortz is a personal friend?—A. Yes.

Q. And both of them are attorneys at this bar in active practice?—A. Yes, sir.

Q. And they consulted with you on that morning?—A. They did, but not that morning. It was William S. McLean, jr., who came to me first and said his brother requested him to see me and have him get me to appear for him.

Q. Do you mean to say when you withdrew they also withdrew?—A. I don't know about that. They didn't appear in the case as of record. I appeared for Mr. McLean, and they were there giving me information.

Q. Don't you know that the record shows their appearance?—A. No; I don't know that.

Q. That it shows the appearance of you and Shortz and McLean there at the hearing?—A. I have no knowledge of that.

Q. You don't have any knowledge of what happened there after you left the case?—A. No.

Q. Shortz stayed there after you left?—A. Yes, sir.

Q. Do you know that on Saturday Shortz cross-examined witnesses with O'Boyle in the fourth district of Pittston Township that was thrown out?—A. No; I was not there.

Q. Do you know of any other interest that Mr. Shortz had there except Mr. McLean's?—A. No.

Q. You had been counsel in contested elections before?—A. Yes.

Q. And you were personally interested in Mr. Martin Mulhall's election?—A. As a friend; yes, sir.

Q. And you were his counsel at the count?—A. Yes, sir.

Q. You stayed there all the time?—A. Yes, sir.

Q. They didn't finish that count until about 2 o'clock Sunday morning?—A. Some time Saturday night.

Q. Very late?—A. Yes, sir.

Q. You were there all the time?—A. Practically.

Q. And it began, as all our official counts do, on the Thursday following the election?—A. Yes, sir.

Q. Do you mean to say the rulings of the court at this time were different from what they were in the Mulhall contest?—A. No.

Q. Why did you stay there in the Mulhall case and not in this?—A. For this reason: That the Mulhall vote was close. It was decided, to my recollection, on a vote of 98, and profiting by my experience in that case, where it was to me satisfactory evidence of fraud; as for instance, in Swoyersville

borough, where it appeared that all the Democratic candidates, with the exception of Mr. Mulhall, got in the neighborhood of 100 votes, and the Republicans 12 or 14, but the vote for Mulhall was 12 or 14 and Salzburg one hundred and something, and, notwithstanding that fact, which to me and as every sensible person did, was prima facie evidence of fraud, probably not from a legal standpoint, as interpreted by the court, but was from the point of common sense, the court refused to bring in the ballot boxes because there was on the records of the returns no erasure or any evidence of fraud on the return itself. I felt it would be useless for me in this hearing to remain if the court was to rule as it did in that contest.

Q. Mr. Campbell, now you know from your own experience in attending election counts in this county that if there is anything on the face of the records themselves indicating in the slightest degree fraud that you can bring the board in?—A. No; I know that is not a fact.

Q. Give us an instance where there is a case of apparent fraud?—A. I recall the case I just cited in Swoyersville borough.

Q. What apparent fraud was there on the face of the returns?—A. The fact that every person on the Democratic ticket, with the exception of Mulhall, got what is known as the straight vote, and it was returned for him; but Mulhall was an Irishman, and that was in a community that was Irish, practically, as far as Democratic votes were concerned, and I felt that was evidence of fraud.

Q. You felt that the court should take judicial cognizance of the nationality of the voters?—A. No; not all, there was sufficient there to indicate to the court that something was wrong.

Q. Let me direct your attention to the middle district of Pittston Township and Hanover Township. These are famous, to your knowledge, aren't they?—A. Yes.

Q. They are also Irish districts?—A. Yes.

Q. And are also noted as crooked districts?—A. Yes, sir.

Q. This year everybody on the State ticket received over 200 votes on the Republican ticket, all the Republicans, but for McLean and De Witt the vote was entirely reversed. In your mind that was some evidence of fraud?—A. Not altogether, because I knew this: That a strong effort was being made in this community for and on behalf of Tener. I knew that, and when I found this, from my knowledge, I had been led to believe that the influential men in that community were to be for Mr. Tener, although the influential men were Democrats.

Q. You would not consider that fraud?—A. Well, you are asking me personally. I would say yes, that apparently it would to any person if he had no other knowledge. I may say as to Swoyersville that I had other information.

Q. But the court didn't have that, did it?—A. I know that; but the court wouldn't permit us so to show.

Q. Leaving Swoyersville and Pittston, in which you had some personal knowledge; in the borough of Parsons in which you know is a Republican stronghold, isn't it?—A. I know that it is Republican.

Q. In the borough of Parsons all the Republicans received large majorities—the ordinary and usual majorities this year—and McLean carried that borough by at least 100 votes, would you consider that some evidence of fraud?—A. No.

Q. Why do you distinguish?—A. Because the conditions at that time were entirely different.

Q. What conditions would change McLean's vote in Parsons borough?—A. I don't know of anything particular in that community.

Q. Do you know or can you recollect anything heard, or did you or had you heard anything before election which would justify the entire reversal of that vote in this Republican district of Parsons borough?—A. No; I couldn't say that.

Q. Then if you heard it in court, without any outside knowledge, you say you would consider it some evidence of fraud on the face of the returns?—A. Not as to that. I would with some. I might say, with the same degree of propriety, in the fourth, seventh, and tenth and twelfth ward. I don't know the facts, but I am under the impression that notwithstanding that they are reputedly Republican, they all went for McLean; but I have never heard the reliability of the election board, or of the count in these wards being questioned.

Q. McLean lives in the tenth ward?—A. Yes, sir.

Q. And was born and raised at this particular poll of which you are talking about?—A. Yes, sir.

Q. And you would naturally expect he would get these votes?—A. No.

Q. Why?—A. Because of his national politics.

Q. Give me the name of a young Democrat who has not carried the fourth, seventh, and tenth wards, living there?—A. I can't say; but I suggest the name of Dorrance Reynolds.

Q. Didn't he carry the seventh ward?—A. Probably; I don't know. It is a Republican community.

Q. Didn't Fred Kirkendall carry those wards both times he run as a Democrat?—A. I don't know; probably; but I should think that the reason that McLean carried it is that it is his home district.

Q. That would be a big cause, of course, and that in a contest would disillusionize you of any fraud or any suspicion of fraud in itself?—A. I can't say; that depends on the communities themselves.

Q. Did you hear, when voting in the tenth ward, that they got tired of counting the vote for national delegate and gave each man 100 votes?—A. I don't know; they may. If I heard it, I have forgotten all about it.

Q. You withdrew from the active service at the court on this count, because, in your judgment, it would not do you any good to stay there?—A. Yes, sir.

Q. How did you know that there was not going to be palpable fraud in the face of some of the returns that had not been counted?—A. I judged this way: Judging from my former experience and with the knowledge of the crooked election boards in this community, that if it bore no evidence of any erasures on the returns and it gave prima facie evidence of being regular, the court would not bring in the ballot boxes and the election returns, unless a person made an affidavit on actual knowledge of fraud and stating what fraud it was; that is what it was based on, my experience formerly.

Q. When did you first see McLean after the election?—A. It must have been, I think, the day before he went away from here.

Q. Did he tell you at that time he was contemplating a contest?—A. I am not sure whether it was discussed. I know on Sunday afternoon, a day or two before he went away, I dropped into his home for the first time; that was the first intercourse I had with him directly or indirectly. I was there a very short time and some person came in.

Q. Didn't he tell you at that time that he was going away and that he was contemplating a contest and wanted your services?—A. No.

Q. Didn't he tell you that he contemplated a contest?—A. I don't know.

Q. Will you swear that he didn't?—A. I won't swear whether he did or not. I think we merely discussed his health and that he was going South; but I am not sure about this; but I think I said to him that I felt, from what I heard in this community, that this article which appeared in the Record was the cause of his defeat. I haven't any recollection of the question of a contest being discussed at all, and I don't know that we had any discussion of the election except that. I was not there 10 minutes. There was another caller came in there. Jessie Jones came in.

Q. You don't want it to appear on the record that having been engaged by Mr. McLean's brother for the specific purpose, to wit, to use your expression in this particular line of work, that you abandoned his case in court without any notice to him and left him there unprotected?—A. I gave him no notice, but I said to William McLean, Jr.—

Q. He was there that day?—A. I think so. I recollect that Wm. McLean had to go down to town on account of business at 12 o'clock, and I think I left around 1. But whether it was in the court room, or whether he met me in the way back to the court room from downtown, I can't say; but it was within that hour, and I told him, and I told him why.

Q. Isn't it a fact that you withdrew your objections to the northwest district of Foster, and William McLean withdrew his objection to the district in Hazel Brook, after you and William McLean, Jr., and Mr. Shortz had a consultation?—A. I had a consultation with Mr. McLean, Jr., or Shortz, or probably both.

Q. And didn't you say, "Here, if we sit here and object to the returns and can't show any fraud it might hurt us when we start our contest"?—A. Let me explain. As I said before, there was no contest discussed; but I said this: "That it would be useless for us to stay here; that I was satisfied it would be useless for us to stay here, as it would not affect the result of this election." I felt from the experience I had that they would have the ballots fixed up and the returns made up.

Q. Which particular district had you in mind?—A. I can't say; I had in mind Edwardsville and Plymouth.

Q. Which wards in Edwardsville?—A. I didn't have any wards in mind.

Q. When did you hear of any ward in Plymouth that was bad?—A. I merely heard of these. I heard of Plymouth Township and Kingston Borough.

Q. The fourth ward?—A. Yes; probably; and I think I heard of other ones. I learned since the Mulhall-Salzburg as to how it was generally supposed that Salzburg was counted in by reason of the Prohibition vote. There are 300 districts or so in the county, and two or three or four or five Prohibition votes could be put on without any observation, and it would entirely change the results.

Q. You were Mr. Mulhall's attorney?—A. Yes.

Q. And Mr. Mulhall began a contest?—A. Yes.

Q. And abandoned it?—A. Yes, sir; we abandoned it, because under the Pennsylvania system of not marking the ballots, and there being in the neighborhood of 30,000 voters, it would be impossible, practically speaking, to have a contest disposed of within three years, and then, no matter how many fraudulent Republican or Democratic voters might be shown it would be impossible to determine just for whom these ballots were cast, because the ballots are not marked, and unless a person in all cases has information, when you bring in a voter you can't tell who cast the ballot, nor can you tell for whom a fraudulent voter voted, and because of that it was abandoned.

Q. You say that you are reasonably familiar with the so-called crooked districts in Luzerne County?—A. No; I didn't say that.

Q. I will call your attention to Hanover Township and Newton?—A. Yes.

Q. That is notoriously bad?—A. The election officers have been in jail.

Q. And McLean carried it this year?—A. I don't know; if you say so.

Q. In the fourth ward of Kingston Borough the election officers were indicted at the time you were representing Mr. Mulhall?—A. Yes.

Q. And McLean carried that this year, didn't he?—A. Yes; it was a Democratic ward.

Q. Answer my question and don't offer any explanation until we get through.—A. I answered it yes.

Q. Cork Lane has been notoriously bad?—A. It has been in municipal elections.

Q. Haven't you heard of it in county elections?—A. The municipal elections have—

Q. As a matter of fact the Republicans had to wait until after the second day after the election before the returns were in from Cork Lane?—A. Yes; and have also had to wait for Republican districts. It is a common practice on the part of the Republicans and Democrats in the alleged crooked districts to hold the returns until the last minute.

Q. You know that Mr. McLean carried the Cork Lane district?—A. Yes; and I know it is also reputed to be a strong Democratic district, probably one of the strongest in the county. I have been told that he carried it by a smaller majority than has been cast for any Democratic candidate for many years.

Q. You have been an attorney in Wilkes-Barre Township contests, have you not?—A. Yes.

Q. You are very familiar with that territory?—A. Yes.

Q. You know that the second, middle, and south districts have been notoriously rotten districts in this county and are so reputed?—A. I have only known them to be crooked in municipal elections.

Q. And isn't it a fact that McLean carried both these by big majorities?—A. I don't know; I know that they are Democratic districts. I want to say this in explanation of why I don't know. I haven't canvassed the returns; I haven't gone over them, but my attention has been merely called to certain districts by Mr. McLean. In Hanover Township as to the big vote there, that is supposed to be one of the strong Democratic communities in the county.

Q. You don't mean to have it inferred or insinuated that the rulings of our court in this instance were different from before?—A. No; the reason I withdrew was that I felt warranted in doing so from the decision in the first case that came up, that the attitude of the court would be the same in this case as in all others of which I have had knowledge.

Q. They were following the unbroken precedent in this county, and a long-established rule?—A. As far as I know.

Q. And in accordance with State decisions?—A. At that time there were some differences in the decisions among the lower court judges, but not in this court.

MR. JENKINS. Isn't it a fact, Mr. Campbell, that Judge Fuller in this court in a primary contest departed from the practice that you have—

(It is agreed between counsel that Jonathan R. Davis will be called at 2 o'clock, Monday afternoon. Adjourned until 9 a. m., Monday, Mar. 20, 1911.)

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Monday, the 20th day of March, 1911, at 9 o'clock in the forenoon, at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111, of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Michael Cavanaugh, Ashley, Pa.; Thomas Poynton, Swoyersville, Pa.; Thomas Roche, Swoyersville, Pa.; John Laverick, Swoyersville, Pa.; Harry Miller, Swoyersville, Pa.; Jacob Miller, Swoyersville, Pa.; John Lore, Plymouth Township, Pa.; William McGeer, Plymouth Township, Pa.; William Sanders, Plymouth Township, Pa.; Michael Gillespie, Plymouth Township, Pa.; John Davis, Plymouth Township, Pa.; John Thresten, Plymouth Township, Pa.; Martin Curley, Plymouth Township, Pa.; Edward Quinn, Plymouth Township, Pa.; Geary A. Dills, Duryea, Pa.; Arthur E. Price, Duryea, Pa.; Thomas O'Boyle, Duryea, Pa.; B. F. Griffith, Nanticoke, Pa.; William Chamberlain, Nanticoke, Pa.; Isaac L. Edwards, Nanticoke, Pa.; James F. McFadden, Edwardsville, Pa.; Thomas Devey, Wilkes-Barre, Pa.; Thomas Oliver, Wilkes-Barre, Pa.; Crawford C. Smith, Wilkes-Barre, Pa.; Robert P. Robinson, Wilkes-Barre, Pa.; Earl Crawford, Wilkes-Barre, Pa.; Robert Johnston, Wilkes-Barre, Pa.; Samuel Griffiths, Ashley, Pa.; David Richards, Ashley, Pa.; Henry Bly, Ashley, Pa.

GEO. R. MCLEAN.

Service accepted this 17th day of March, 1911.

EVAN C. JONES,
Attorney for Contestee.

Service accepted March 17, 1911, as to Peter Gorham, Ashley, Pa., also.

EVAN C. JONES,
Attorney for Contestee.

MONDAY, MARCH 20, 1911.

Hearing resumed at 9 a. m., pursuant to adjournment.

Appearances: George R. McLean, contestant in person; John E. Jenkins, Esq., and A. C. Campbell, Esq., counsel for contestant; Arthur L. Turner, Esq., contestant's commissioner; Evan C. Jones, Esq., and John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., contestee's commissioner.

ROBERT JOHNSON, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

- Q. Where do you live?—A. In Kingston.
- Q. What is your business?—A. I am in the automobile business.
- Q. How long have you been engaged in that?—A. Since its infancy.
- Q. That is about 10 years?—A. A little over that.
- Q. You buy, sell, and trade machines?—A. Yes.
- Q. And you are familiar with the various types of automobiles?—A. Of the majority of them.
- Q. That are upon the market and have been during these years?—A. Well, I have tried to follow them up and keep in touch with them.

Q. Did you within the last little while visit Moore's garage?—A. Yes.

Q. In the Borough of Dorranceton?—A. Yes, sir.

Q. Did you examine a machine there?—A. Yes.

Q. Did you make any inquiry for any particular machine?—A. Why, I was taken over there to examine the machine that was supposed to have been sold to Mr. Bowman.

Q. By Jonathan R. Davis?—A. Yes, sir.

Q. That is the famous taxicab in this case?—A. That it was supposed to be.

Q. You inquired for that machine, did you?—A. Yes, sir.

Q. Who pointed it out to you?—A. A gentleman by the name of Austin, an employee of Mr. Moore's.

Q. Moore sent Austin to point out to you that machine, did he?

(Objected to as hearsay evidence.)

A. Yes, sir.

Q. Whether that was pointed out to you as the machine that had been placed in that garage by Mr. Davis?—A. Yes; I understood that was the machine.

Q. Now, Mr. Johnson, what make of a machine was that?—A. The chassis of the machine was a National. That is the mechanism, but the body, I don't know what that was.

Q. Will you go ahead and describe that machine. The condition in which it was when you examined it?—A. Well, when I examined the machine it was pretty well dismantled. In the first place, it is a machine made some time ago; I imagine seven years ago; about seven or eight years ago, I think, the machine was made. It is one of the early models that was made by the National Automobile Co. The machine, of course, is antiquated and out of date to-day. Anyway it is a very old model machine that to-day I would refuse to take in trade, in exchange, or for cash at any price. It is a machine that I don't think any man in the business could afford to buy and fix it up, expecting to sell it and get his money out. It has practically outlived its usefulness.

Q. You say it was dismantled, practically; will you describe it more particularly?—A. There was no bonnet on it—that is, the covering for the motor; the body was only slipped onto the frame—that is, it didn't have the appearance of being fastened on as it should be when the machine is complete. Some of the tires were off; well I guess only one, but that is something that might happen to a new car, too.

Q. What was the condition of the tires that were on?—A. I don't think there were any tires on the car; those that were on were flat, as near as I could judge. They were deflated and showed they had considerable service.

Q. When did you see the machine there? When did you examine it?—A. Saturday last.

Q. When you examined the machine there on Saturday, from your knowledge of the value of machines and automobiles, new and old, what would you say was the fair market value of that machine?

(Objected to as immaterial and irrelevant.)

A. Well, that is a hard question to answer. The machine as it stands to-day, if it was offered to me, I wouldn't pay a hundred dollars for it.

(Objected to as not being in response to the question and as not being competent evidence.)

Q. Just go ahead and tell.—A. Well, \$200 would be a fair market value; it would be more than fair.

Q. That would be a generous market value, would it?—A. Yes.

Q. Mr. Johnson, in your opinion as an automobile man, would it be possible to put that machine in first-class condition so it would be a good, fair, marketable machine?

(Objected to as it doesn't designate the particular man to whom it may be acceptable.)

A. No, sir.

Q. It couldn't be done?—A. No, sir.

Q. Could it be put in condition so it would run at all?—A. Yes, sir.

Q. How much would it cost to put that in condition?—A. Probably \$200.

Q. Could it be put, by the expenditure of any sum of money, into such condition that it would be a safe, suitable machine for a distinguished Congressman to operate at the Capital of the Nation, representing a district of 900,000 people?

(Objected to as being silly.)

A. No, sir.

Q. Did you know this machine before you saw it over in the garage on Saturday?—A. I knew of it.

Q. You knew of it. How did you learn of it?—A. The machine was owned by a man named Shephard, of Pittston, when I first knew of it.

Q. Did you do business with him?—A. I did; yes, sir.

Q. What business did you do with him?—A. I sold him a car after he got rid of this machine. He had this machine on his hands and couldn't operate it, and so disposed of it and bought a machine that he was able to operate. I sold him that one.

Q. He disposed of the machine because he couldn't operate it?—A. That is the idea. I think he made the remark the day he brought it into town that he was afraid he was not going to be able to get it from Pittston to Wilkes-Barre.

Q. When was that?—A. A little over a year ago.

Cross-examination by Mr. JONES:

Q. Did you help Mr. Shepherd to sell his automobile?—A. No; I didn't.

Q. Do you know to whom he sold it?—A. Yes; he told me the party.

Q. Did he tell you prior to its sale that he was going to sell it?—A. Yes.

Q. He also told you how much he was going to get for it, didn't he?—A. Not at that time; no, sir.

Q. Where did he tell you that he was going to sell it?—Where was he when he told you?—A. He was in my place.

Q. Had you seen the machine at that time?—A. I seen it on the street, but I never examined it.

Q. And he said to you, "I am getting rid of the National taxicab; I am going to sell it to Jonathan R. Davis," didn't he?—A. Jonathan R. Davis was to put up the money for it.

Q. And then he told you that the car was no good.—A. He told me that he was trying to use it for a taxicab, for taxicab work, but it cost him so much to keep it going that he couldn't afford to run it.

Q. You knew the car was no good.—A. I have—or, had never examined it.

Q. This man told you that it was no good?—A. I had never examined the car.

Q. Didn't Shepherd tell you that the car was no good?—A. He told me that after he sold it.

Q. But you let him fool one of your fellow citizens with it?—A. No.

Q. You let him sell it to Jonathan Davis?—A. No.

Q. So that you could put a new one in its place?—A. No; I did not.

Q. Didn't you sell him a new one?—A. No.

Q. Didn't you say that you sold him a new car when he had disposed of that one?—A. I sold him a second-hand car.

Q. Your car was one that would run?—A. Yes.

Q. What was this National car worth new—the taxicab in question?—A. In its original condition. It was not a taxicab when it was first made, I don't believe.

Q. Then it was converted later into a taxicab?—A. Yes.

Q. How much was it worth?—A. The car probably sold for \$2,500 when it was new.

Q. Now, of course, in the automobile business, a car that is one season old is antiquated in your idea?—A. Not exactly.

Q. How long does it take for a car to become antiquated? I would like to buy one. How long does it take before a car becomes antiquated?—A. It all depends. A car made 5 or 6 years ago would not be an unmarketable proposition to-day, but we would call that antiquated.

Q. You mean that it would not be an unmarketable proposition for you fellows if people didn't buy new ones; is that the idea?—A. No; I didn't mean that at all.

Q. Well, this car was in Moore's garage when you saw it?—A. Yes.

Q. Who sent you over to see it?—A. Mr. McLean asked me to see the car.

Q. That is the contestant?—A. Yes.

Q. What did he say to you?—A. I don't know as I can tell you exactly.

Q. Tell us to the best of your recollection what he said.—A. He asked me to go over and examine this car and give my opinion of what it was worth.

Q. Did he tell you what had transpired here at the meeting as to the car?—A. No.

Q. Did he tell you what Mr. Davis said he had paid for the car?—A. He didn't.

Q. You knew what Davis had paid for the car?—A. I did not; I didn't know anything about it.

Q. You say that Shepherd told you afterward?—A. Oh, when the car was sold? Yes; I understand. Shepherd told me what he got for the car after he sold it.

Q. How much did he say he got?—A. He said he got \$600.

Q. But you know that he got at least \$300, because you handled one of the notes in the case?—A. Yes, sir.

Q. You knew that Jonathan Davis gave him as a balance on the \$600 a note for \$300?—A. Yes.

Q. And you took that note later in payment from Shephard?—A. Yes.

Q. And you had it discounted?—A. Yes.

Q. You know as a matter of fact that Jonathan R. Davis actually paid \$600 to Shephard for the car?—A. Shephard told me.

Q. But you know that he paid the \$300?—A. Yes.

Q. Because you go that?—A. Yes.

Q. Do you know what repairs were put on the car after he bought it?—A. I know absolutely nothing about it after it was sold.

Q. Do you know what he did with the car after he got it?—A. I believe the car was used some around the public streets for public work.

Q. By a young man named Charley Meekins?—A. Yes, sir.

Q. When you saw the car at Moore's garage it was dismantled, was it?—A. I would call it dismantled.

Q. You say one of the tires was off?—A. Yes, sir; one of the tires was off, and they were all deflated.

Q. It is nothing uncommon to have a car in a garage at this time of the year, is it?—A. No; but it is uncommon to see tires deflated and left in that condition, as that will ruin a tire.

Q. Would you attribute that to the man who had charge of the machine or to the man who owned it?—A. The man who had charge of it.

Q. As to the tires being deflated in a garage?—A. Well, you mean—

Q. I assume from your answer that was apparent neglect, was it not?—A. I don't know whether it was neglect.

Q. Would you do it with a machine left in your garage?—A. No; I would not.

Q. That is the point. You say the machine was apparently well taken apart?—A. Yes.

Q. As it would have to be if it were going to be overhauled for the summer?—A. No; it didn't appear to me as though it was taken apart for that reason.

Q. Can you tell exactly why a car is taken apart when you see it, when it is taken apart?—A. If a car was taken apart to be repaired, there would have been in all probability some work done on it. There was nothing done to the car. It is merely piled up in a heap.

Q. Do you know why they took the car apart?—A. Probably they took it in piece by piece. I don't know.

Q. You are assuming a whole lot.—A. You are asking me if I know; that is the only reason I could give.

Q. No; I asked you if you knew why they took it apart, and you voluntarily assumed that they took it in piece by piece, as you found it there?—A. I found it there.

Q. Now, do you want your testimony to go upon the record that they took it in piece by piece?—A. I didn't say that; I said they might have.

Q. On what do you base that probability?—A. The car is there in a heap; it is no good.

Q. Then why didn't you assume that they took it in a heap?—A. Maybe they did.

Q. Which is your assumption, that they took it in pieces or that they took it in a heap, since you are so willing to assume? What is your last assumption, that they took it in pieces, or in a heap?—A. I am trying to give a straight answer to your question.

Q. You will please give me the facts and not assumption.—A. I will give you the facts as far as I can.

Q. You say you believe this car would be worth at a fair market value about \$200?—A. That would be a big price for it.

Q. In a heap?—A. In a heap or any way.

Q. Or in pieces it would?—A. It would make very little difference, I guess.

Q. Of course what impressed you the other day was that this car looked old and of little value, doesn't it?—A. Yes; it is old and of little value.

Q. You know Mr. Davis?—A. Yes, sir.

Q. You know he is not an experienced automobile man, don't you?—A. Well, I don't know how much experience he has had.

Q. You know that he has never had one before, don't you?—A. Not that I know of.

Q. You know every automobile owner, don't you?—A. I don't.

Q. You know every prospective automobile man, or try to know him?—A. I didn't know that you were going to be in the market until you said you were.

Q. If you are going to sell me you mustn't sell me on assumption. You say that this could be fixed up so that it would run?—A. I would say so; yes, sir.

Q. And you say that Mr. Shepherd told you that Jonathan Davis bought it from him for \$600?—A. Shepherd came to me after selling the car and said that he had sold this car to Meekins, and Jonathan R. Davis was furnishing the money.

Q. And it was \$600?—A. That he had got \$600 for it and he seemed very much elated.

Q. And so were you, were you not, Bob?—A. Well, I don't know as I was quite as much as he was.

Q. Well, to a certain extent you were elated?—A. I am still; that is a good price.

Q. How much did you get on your sale?—A. I sold him a car for \$1,100 with a touring body and a limousine body, and the body was worth alone three times what this junk was worth.

Q. You sold a car the body of which was worth three times as much?—A. Yes.

Q. And got \$1,100?—A. That was the price of it.

Q. How much did you get in cash?—A. Now, wait; that is interfering with my business.

Mr. JENKINS. Objected to as not cross-examination and an improper inquiry into the private business of the witness on the stand, and the witness is instructed that he need not answer the question unless he chooses.

Q. Do you want to answer how much you got in cash the day he bought this automobile from you? You don't have to tell unless you want to.—A. I will have to go to my books.

Q. You got a check for \$248.75 of Mr. Davis that Mr. Davis gave him and that he turned over to you?—A. I can't answer; I don't know, but you can find out at my store. I will show you the whole transaction.

Q. Do you know what repairs were put on this machine after Mr. Davis bought it for Meekins?—A. I answered that before; I said no. I never touched that machine or handled it in the way of repairing or running it.

Q. And you never tried the machine on the street?—A. I did not; I had seen it.

Q. You never did, did you?—A. I never did, no.

Q. Do you sell the National car?—A. No; I don't.

Q. It is one of the standard cars?—A. One of the best cars built to-day—that is, if you buy one of their late models.

Q. There is no car very good after you have had it for 20 minutes in the eyes of you automobile men.—A. Yes; there is.

Redirect examination by Mr. JENKINS:

Q. You testified in response to Mr. Jones's question in cross-examination that if the tires of a machine in a garage were deflated that might have been evidence on the part of the keeper of the garage—negligence on the part of the keeper of the garage. I would ask you in this connection—

Mr. JONES. No; I didn't assume that at all.

A. I didn't think that Mr. Moore was negligent in this particular case; no.

Q. I will ask you whether such negligence could be even inferred if the condition of the tires were such that a reasonably careful keeper of a garage could not keep them inflated without making repairs?—A. I don't believe these tires were in condition to keep inflated without being repaired, and some were impossible to repair.

N. EARL CRAWFORD, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Where do you live?—A. No. 476 South Franklin Street, Wilkes-Barre.

Q. What is your business?—A. I am secretary of the Posten Transfer Co., but my main business there is mostly looking after taxicabs.

Q. You have charge of the taxicabs owned by Posten Transfer Co.?—A. Yes, sir.

Q. How long have you been engaged in the business that called upon you to handle and deal with taxicabs?—A. About four or five years.

Q. You are familiar with various makes of taxicabs and the requirements of the machinery, etc.?—A. I am of a taxicab; I am not a machinist. My duty is to look after the taxicabs and see that they are kept running and are repaired.

Q. And you have been performing that duty for four or five years?—A. Yes, sir.

Q. And that made you familiar with various makes and types of taxicabs?—A. Yes.

Q. Did you visit Moore's garage and examine the taxicab stored there by Mr. Davis?—A. Yes; last Friday.

Q. And the Davis taxicab was pointed out to you when you visited the garage?—A. Yes.

Q. When did you go there?—A. Last Friday morning.

Q. You examined that taxicab, did you?—A. Yes; from an eye view of it; not looking in the machinery or anything like that. It was from information that I called it a taxicab, because I had purchased several.

Q. In your opinion, from your knowledge of taxicabs, what is the fair market value of that taxicab, as you examined it at Moore's garage?—A. As to run?

Cross-examination by Mr. JONES:

Q. Do you profess to be an expert on taxicabs?—A. I can't say I am an expert. I have bought taxicabs.

Q. You have bought them new?—A. Yes; and secondhand.

Q. Do you know anything about machinery? Could you put a car together?—A. I have put a good many together.

Q. Did you ever put a car together?—A. I couldn't alone.

Q. Did you examine it in the inside?—A. Not the transmission and the gears.

Q. In other words, you just went over it on the outside?—A. Yea.

(Objected to as not being qualified to testify as an expert.)

Redirect examination by Mr. JENKINS:

Q. In your opinion, from your knowledge of taxicabs, what would be the fair market value of that taxicab as you examined it at Moore's garage?—A. Well, it is practically worthless, except as junk.

Q. What would be the fair market value as junk, if that is the only use it can be put?—A. That is a hard question to answer, because if it should be answered by what I would give for it, but that is not the question.

Q. What would be its fair worth in the market?—A. Probably \$150.

Q. Now, go ahead and briefly describe the condition of the taxicab as you found it there.—A. Well, it is shoved back in the corner, and it had three tires on that were deflated, and one off the wheel; all the tires were practically worn out and couldn't be used. I asked if it could be run and they said no; I wanted them to run it.

(Objected to as hearsay.)

A. (Continuing.) And it had no wiring on at all. It was just shoved back in the corner, and there is nothing to it at all.

Q. Could that taxicab by any reasonable expenditure of money be put in condition to be used as a satisfactory vehicle for daily use?—A. Well, anything can—you can put a wagon into use for taxicab. You can put machinery in anything to run it, if you want to spend the amount of money to do it.

Q. Would it pay any person wanting to buy a taxicab—would it pay any person to put, to buy that machine as you found it there and spend the money necessary to put it in running order?

(Objected to as immaterial and irrelevant and improper.)

A. No, sir.

Recross-examination by Mr. JONES:

Q. You simply went there and examined this taxicab, examined it in a general way?—A. Yes, sir.

Q. And you asked if it could be run?—A. No, sir.

Q. You knew by looking at it that it could not be run?—A. Yes; I knew there was no wiring on it. I asked Mr. Moore if it was in running condition, and he said no.

Q. You say \$150 would be the fair market value?—A. Yes.
 Q. That is for a keen experienced buyer like you?—A. If that is what you call me.

Q. Of course to a man who wanted a taxicab it would be worth more?—
 A. No, sir.

Q. An inexperienced man?—A. Not if they were going into the taxicab business.

Q. I am not talking for use?—A. No, sir; not for use.
 Q. Not for private use?—A. Not for private use.
 Q. You say that taxicab can't be fixed for private use?—A. It can; anything can.

Q. How much would it cost?—A. I couldn't answer that; I don't know.

Q. You heard Mr. Johnson say \$200?—A. No; I understand that was his estimate.

Q. Didn't you hear him say that for an outlay of \$200 this cab could be put in running order so that it would work acceptably?—A. No.

Q. Of course, you wouldn't consider any motor vehicle out of order because its tires were a little out of order?—A. Oh, no; but in putting the tires on that cab it would cost over \$300 to put tires on that cab.

Q. You didn't see this engine working?—A. It couldn't be worked.

Q. It couldn't be put in order to work?—A. Probably it could. The car couldn't be run in there as it stood, on its own power.

Q. The valuable part of a car is the engine?—A. The transmission and the machinery.

Q. You say you bought taxicabs for how much?—A. Various prices from \$275 up.

Q. \$275 up; what does a new one cost?—A. Pay as high as \$3,000.

Q. That one that you people run—that Archie Courtright drives—is not much for beauty when you see it on the street. Is that in good working order?—A. Yes, sir

Q. Do you call that a first-class cab?—A. It runs every day.

Q. Did you ever ride in it?—A. Yes.

Q. Do you consider that a fine taxicab?—A. Not a fine taxicab; no, sir.

Q. It hauls people every day?—A. Yes.

Q. And runs at great speed?—A. If they desire.

Q. It is one of the busiest cars that you have?—A. Not one of the busiest.

Q. And it looks like a Deadwood Dick stage coach that you see in a Wild West show?—A. If you desire to call it.

EVAN JONES, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. You were a voter at the last election?—A. Yes, sir.

Q. Where do you live?—A. Plymouth.

Q. Did you read the publication of the statement in the newspapers that Mr. McLean, Democratic candidate for Congress, had been indorsed by the liquor dealers?—A. I read that Mr. McLean was favored by the liquor dealers.

Q. You read that publication?—A. That is what I remember of it.

Q. Whether that influenced your vote?—A. Yes, sir; I believe it did.

Q. And it influenced your vote?—A. Yes. In the first place let me see the article; see if I read it.

Q. I am referring to an article as published in the Wilkes-Barre Record; the statement as published in the Wilkes-Barre Record that the liquor dealers of Wilkes-Barre had met and indorsed Mr. McLean for Congress?—A. No; I don't think I read that one.

Q. You read or heard that it had been published and heard the statement?—
 A. I heard it talked about, and I read it in the Times-Leader, I think.

Q. You read the statement in the Times-Leader, published the same afternoon?—A. It was right before election.

Q. Did that influence your vote on the congressional contest?

(Objected to, unless the witness is willing to testify that the article which had been shown him and identified by him was the compelling cause of changing the vote from Mr. McLean to Mr. Bowman. From changing his vote.)

Q. Now, answer the question.—A. Do you mean change it or something of that sort?

Q. Did it influence you or change your vote?—A. It did influence me; yes, sir.

Q. Whether, to your knowledge, from the speech of the people it influenced the vote in the neighborhood where the story was circulated adversely to Mr. McLean's candidacy?

(Objected to as being hearsay evidence; second, for the reason that this witness has not heard this particular article discussed, the particular article in the Wilkes-Barre Record.)

A. I think it influenced some adversely.

Cross-examination by Mr. JONES:

Q. The only article you recall as having read was that of the Times-Leader?—A. Yes, sir.

Q. But long before election you heard it pretty generally discussed everywhere you went that McLean was actively backed by the liquor interests?—A. Yes; I heard that.

Q. And it was generally understood that he was the liquor interests' candidate?—A. Yes, sir; that seemed to be the general impression.

Q. You live in the borough of Plymouth?—A. Yes, sir.

Q. What is the population of Plymouth?—A. I think 17,000.

Q. What is your age?—A. 34.

Q. You are unmarried?—A. Yes.

Q. And you go around a good deal, both night and day?—A. Yes, sir.

Q. And isn't it a fact that in the borough of Plymouth, among your friends, associates, and acquaintances, you heard it frequently discussed that McLean was the liquor dealers' candidate, at least two or three weeks before election?—A. Yes, sir.

Q. And it was so understood?—A. Yes, sir.

Q. Did you ever see any denial in any paper that he was backed by the liquor interests?—A. I don't recall.

Q. You don't mean to say that because you read any article in any newspaper that your vote was changed from Mr. McLean to Mr. Bowman?—A. I don't say that exactly.

Q. You are a Republican?—A. Yes, sir.

Q. And what you saw in the Times-Leader was simply in line with what you had heard talked of on the streets for weeks before?—A. Yes, sir.

Redirect-examination by Mr. JENKINS:

Q. You also heard it talked among your acquaintances that Mr. Bowman had the backing of the liquor dealers, didn't you; and that he was seeking the liquor men's support?—A. No; I got it this way; that Stegmaier was backing McLean.

Q. Didn't you hear that Mr. Hughes, the brewer from Pittston, was backing Mr. Bowman?—A. No, sir.

Q. Didn't you hear that?—A. No, sir.

Q. Didn't you hear that Mr. Bowman's friends were referring to the publication in public print, advertising Mr. Hughes as a backer of Mr. Bowman, and as one who would vouch for his character as a friend of the liquor dealers?—A. I don't recall that.

Q. Didn't you hear about Mr. Bowman's friends circulating through the saloons in Mr. Bowman's campaign, for his interest?—A. I don't circulate among the saloons myself.

Recross-examination by Mr. JONES:

Q. You say you heard that Stegmaiers were backing McLean?—A. Yes, sir.

Q. Who are the Stegmaiers?—A. The Stegmaiers' Brewing Co.

Q. Stegmaiers' Brewing Co. is the largest brewing company in this part of the State?—A. I am not sure, but I think that it is.

Q. It is located in the city of Wilkes-Barre?—A. Yes.

Q. And they have a large bottling plant connected with it?—A. Yes, sir.

Q. And they have a branch establishment in your town?—A. Yes.

Q. And a large one?—A. Yes, sir.

Q. And they also have one in Nanticoke; do you know that?—A. Yes, sir.

Q. And they also have one in Hazleton?—A. Yes, sir.

Q. One in Pittston and one in Avoca?—A. Yes, sir.

Q. Is it not a fact that they control the Susquehanna Brewing Co., of Nanticoke, and other breweries?—A. I don't know that.

Redirect examination by Mr. JENKINS:

Q. You testified in answer to Mr. Jones's question in cross-examination that the Stegmaiers have the largest brewery?—A. I said I am not sure about that.

Q. Don't you know as a matter of fact that while the Stegmaiers may have the largest single brewery, that the largest brewery interest in Luzerne County is the Pennsylvania Central Brewing Co.?—A. No, sir; I don't know that.

Q. And do you know that Richard Hughes, who was backing Mr. Bowman's candidacy, is the vice president of the Central Brewing Co.?—A. I don't know that.

Q. You don't know that?—A. No, sir.

WILLIAM CHAMBERLAIN, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Where do you live?—A. In the ninth ward of the borough of Nanticoke.

Q. How long have you lived there?—A. Thirty years.

Q. What is your occupation?—A. Miner.

Q. Were you a voter at the last election?—A. Yes, sir.

Q. Did you have any official position in connection with the conduct of the election?—A. Yes, sir; I was on the board.

Q. What office did you hold on the board?—A. Judge.

Q. You were judge of election in the ninth ward of the borough of Nanticoke?—A. Yes, sir.

Q. Do you know a man by the name of Gorski?—A. Yes, sir.

Q. Was he about the polls on election day?—A. Yes, sir.

Q. What was he doing about the polls?—A. Taking voters in that were not capable of marking their own ballots.

Q. Was anybody else doing that work there?—A. One besides him when I was there. Only he was not there for the same party.

Q. What was that man's name?—A. I forgot his name; he works at Harrisburg. He works in Roderick's office, but his home is in the ninth ward of Nanticoke.

Q. In what office does he work?—A. In the mining department office at Harrisburg.

Q. That is the department of James E. Roderick, chief of the department of mines in the State of Pennsylvania?—A. Yes.

Q. Do you know where Mr. Roderick lives?—A. No.

Q. When these two men, Gorski and this other man, whatever his name was, were taking men in to the booths, what was said?—A. Why, the voter asked the privilege of taking either one of the two in. They were only there one at a time, one only in the voting room at one time, either Gorski or the other fellow. Ed. his first name is, but I forget his last name, but he is a brother-in-law of Charley Gorski.

Q. This Ed. was a brother-in-law of Gorski?—A. Yes.

Q. What is Gorski's occupation?—A. He is a butcher.

Q. And they were marking for what party?—A. The Republican Party.

Cross-examination by Mr. JONES:

Q. When you say these men, or one of these men marked ballots for the voters, he did so only with the permission of the judge of election?—A. Yes, sir.

Q. And he did so only at the request of the voter?—A. Yes.

Q. Under the ballot law every voter who is unable to mark his ballot has a right to ask for assistance?—A. Yes, sir.

Q. But in no instance did anyone go in with the voter unless such assistance was first asked for and granted?—A. Yes, sir.

Q. Of course you don't know how these men marked the ballot when they went in?—A. No, sir; they were working for the Republican Party, that is all I know.

Q. Or for whom they market it?—A. No, sir.

Q. There were a great many watchers around the ninth ward?—A. Yes.

Q. And is it not a fact in those fights in the ninth ward of the borough of Nanticoke, in addition to the regular watchers, there have been as high as 10 or 15 special watchers working on each side?—A. Yes, sir; and more than that.

Redirect examination by Mr. JENKINS:

Q. Isn't it a fact that at times there have been 30 people or workers at your poll for one party?—A. Yes.

Q. That is the custom in your town?—A. It is the custom. I don't know about the town; I am only speaking for the ward.

Recross-examination by Mr. JONES:

Q. There was nothing about—nothing unusual about the conduct of the election, or the watchers at that election?—A. No.

Q. And it was conducted as all elections heretofore was conducted?—A. Yes.

Redirect examination by Mr. JENKINS:

Q. You, yourself, are a Republican?—A. Yes.

Q. You say that there had been as many as 30 watchers in the ninth ward?—A. On the outside; but I am not positive; only what I have been told.

Q. Have you always been an officer?—A. I have been an officer off and on for the last 10 years.

Q. But you have at other times been on the outside?—A. Yes.

Q. And you say 15, 20, and 25 watchers have been at work there, do you?—A. I couldn't swear to that. I have seen a large number. I couldn't swear they were all watching. I would have to see their papers before I could say they were watchers.

Q. Who was the majority inspector at the election—the last election?—A. John Vincent. He was supposed to be. It is a pretty hard matter in the ninth ward to get a board.

Q. Who was the one that served in the capacity of minority inspector?—A. John Lewis.

Q. Mr. Lewis is a Republican in politics?—A. I don't know.

Q. He is a Welshman?—A. Yes; well, I don't know.

Q. You say that you don't know he is a Welshman?—A. Yes.

Q. Was he elected by the people?—A. No; appointed by the board.

Q. He was appointed by you and Vincent?—A. Yes.

Q. Were you the ones that appointed him?—A. Yes.

Q. You knew that Lewis is a Republican?—A. Well, we have to take who we can get. It is pretty hard to get men to fill that position.

Q. And you were obliged to get a Republican?—A. I don't know whether he was a Republican or not, as I never asked him the question.

Q. How long have you known Vincent?—A. Ever since he was a small boy.

Q. Do you want to go on record as having known this man, John Lewis, since he was a boy and don't know what his political affiliation is?—A. No, sir; I do not.

Q. Through all those years that you have known Mr. Lewis haven't you known him to be a Republican?—A. I don't know.

Q. Has he voted the Democratic ticket recently?—A. I can't say; I don't know his politics.

Q. How long have you lived in the ninth ward?—A. Thirty years.

Q. How long has Lewis lived there?—A. I suppose he was born there; I don't know.

Q. How old is Lewis?—A. I should judge about 23.

Q. Does his father live in that ward?—A. Yes.

Q. His father is a Welshman?—A. Yes.

Q. He attends the Welsh Church?—A. That is more than I can tell you.

Q. And you now state under your oath, Mr. Chamberlain, that you don't know the politics of John Lewis?—A. No, sir; I do not.

Q. Did you inquire that morning?—A. No, sir.

Q. What his politics were?—A. No, sir.

Q. You knew it was your duty as judge—

(Objected to as cross-examination of his own witness.)

Q. You knew that it was your duty to have the Democratic Party represented on that board?—A. It is hard to get one, however.

Q. Very hard to get?—A. We take what we can get.

Q. They were all Republicans?—A. No; they were not.

Q. Who was the Democrat?—A. I don't know if there was a Democrat on the board, but there was one Socialist.

Q. Who was the Socialist?—A. John Vincent.

Q. But the board consisted of yourself, Lewis, Vincent, and two clerks?—A. Yes.

Q. They were all Republicans but Vincent?—A. I don't know. I don't know anything about Lewis. I don't know whether he is a Republican, Democrat, or Socialist, and I couldn't tell you about the remainder of the board, whether it was Republican, with the exception of Vincent, the two clerks, and myself.

Q. The two clerks were Republicans?—A. And myself.

Q. And Vincent was a Socialist?—A. Yes.

Q. But you are unable to say, although you have known Mr. Lewis all his life, whether he was a Democrat, a Republican, or a Socialist, or a Prohibitionist?—A. No.

Q. And you didn't inquire that morning?—A. No, sir.

Recross-examination by Mr. JONES:

Q. Were these Democratic watchers at the polls that day?—A. Yes, sir.

Q. Did these watchers know Mr. Lewis?—A. Yes, sir.

Q. And they have known him all his life?—A. Yes.

Q. Was there any objection made to his serving?—A. No.

Q. Who was the regularly elected inspector?—A. A man by the name of Vincent Pitts, but he went to California.

Q. He moved from the district?—A. Yes, sir.

Q. And that created a vacancy on the board?—A. Yes.

Q. In case of a vacancy on the board of an inspector, where no appointment has been made by the court, under the law, you and the other inspector of election make an appointment when the polls open?—A. Yes.

Q. And Mr. Lewis was so appointed in accordance with the law?—A. Yes, sir.

Q. And so served?—A. Yes.

Q. Without any objection from anybody?—A. Yes.

Q. And the Democratic watchers were there at the time that he was appointed and the polls opened?—A. Yes.

Q. And everybody was satisfied?—A. Yes, sir.

Q. Who was the Socialist candidate for Congress at the last election?—A. C. F. Quinn.

Q. Isn't it a fact that at your poll in the ninth ward Quinn received a larger vote than either Mr. Bowman or McLean?—A. Yes.

(Objected to as not cross-examination and immaterial, for the reason that under the law of Pennsylvania the right of the Socialist Party to be represented upon the election board of any election district is not determined by the vote cast at that election, but by the vote cast at the preceding election.

Q. How many votes did the Socialists poll the year before at your ward, if you remember?—A. I don't remember that.

Q. It has always been a big Socialist ward, hasn't it?—A. Yes.

Q. And that is usually the strongest party in your ward, isn't it?—A. Yes; it was the strongest last election.

Q. And the election before that there was a large Socialist vote there?—A. Yes; there was a large Socialist vote the election before.

Q. Every vote in your district was counted and returned as cast?—A. Yes.

(Objected to as not cross-examination.)

Redirect examination by Mr. JENKINS:

Q. Give the commissioners the name of one Democratic watcher who was present at the polls when they opened in the morning of election.—A. I don't know. I don't remember who they were.

Q. You don't know of any?—A. I don't remember who they were, but I believe that Michael Hughes was one.

Q. Was Michael Hughes present the morning of election when the polls opened?—A. No; I don't think so.

Q. Then he was not one?—A. He was a watcher.

Q. I didn't ask you that. You said that Democratic watchers were present when you appointed John Lewis minority inspector. I asked you to name what Democratic watchers were present. Can you name one Democratic watcher who was present in the morning?—A. I don't remember them, because there were so many of them. Because I saw only one or two papers, but there were so many around that I don't remember who they were. I couldn't swear even whose papers I had.

JOHN BURNS, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Where do you live?—A. I live at No. 163 Walnut Street, Plymouth.

Q. In what ward is that?—A. In the third ward.

Q. Were you a voter, and did you vote at the election held November 8, 1910?—A. Yes, sir.

Q. And you voted in the third ward of Plymouth?—A. Yes, sir.

- Q. You were then a voter at that ward?—A. Yes.
- Q. Were you an official or an officer at that election?—A. Yes, sir; I was clerk on the board.
- Q. Clerk to the minority or the majority inspector?—A. To the minority.
- Q. You were the minority inspector's clerk?—A. Yes, sir.
- Q. Who appointed you?—A. Mr. Burke.
- Q. What Burke?—A. Patrick Burke.
- Q. Patrick Burke, of Plymouth?—A. Yes, sir.
- Q. He was the minority inspector, was he?—A. Yes, sir.
- Q. Did Mr. Burke serve through the day as minority inspector?—A. No, sir; he came in the morning as the poll opened, and made an excuse to the judge he didn't feel able, he was too sick to be on the board; but I know the man was all right, and he appointed a man in his place, Mr. Peter Treston, in his place to serve.
- Q. Peter Treston?—A. Yes, sir.
- Q. Did Mr. Peter Treston serve all day as minority inspector in the third ward?—A. Yes, sir.
- Q. From the time the poll opened until they closed?—A. Yes, sir.
- Q. And you served as his clerk?—A. Yes, sir.
- Q. How long have you been living in the third ward and been a voter there?—A. Wait till I see. I have lived in the third ward since '85.
- Q. That's 25 years?—A. Yes, sir.
- Q. You have voted continuously in that ward for 25 years?—A. When I first went there I wasn't old enough to vote.
- Q. How old are you now?—A. I am going on 44.
- Q. But since the last 22 or 23 years you have been voting in the third ward?—A. Yes, sir.
- Q. That is a residential part of Plymouth?—A. Yes, sir.
- Q. Occupied by a class of people engaged almost entirely in mining?—A. Yes, sir.
- Q. You are a miner?—A. Yes. Well, I am a miner at the present time, I mean that I was, but just now I am working at company work.
- Q. But through those years you have worked in and around the mines?—A. Yes.
- Q. And you are thoroughly acquainted with the people of the third ward of Plymouth?—A. Yes, sir.
- Q. In the years that you have lived there have there been any considerable number of the citizens and voters of the third ward of Plymouth voted the Prohibition ticket?
- (Objected to as immaterial and irrelevant.)
- A. I never seen much Prohibition in our ward.
- Q. Are there any Prohibitionists in your ward so far as you know?—A. I can't talk for others there. I don't know what the people are, you know. I never seen any Prohibitionists.
- Q. How many years have you been on the board—serving on the board in some capacity as an election officer, clerk, or some other office?—A. Maybe served seven, eight, or nine times.
- Q. In the years that you have served how many Prohibition votes have been cast, the largest number to your knowledge?
- (Objected to as immaterial and irrelevant, and secondly there are records in the courthouse, which are available to establish this fact if it be material, and they are the only proper evidence by which it could be proved.)
- A. I never seen but one.
- Q. You never saw but one Prohibition vote cast there in the years that you have known the ward prior to this?—A. Only one; yes, sir.
- Q. After Mr. Burke, the minority inspector, departed in the morning, saying that he was sick, that was the last you saw of him that day, was it?—A. I saw him in the evening again; he came around at the time that everything was done to see how things were.
- Q. He came around when everything was done?—A. Yes, sir.
- Q. Were all the ballots that were cast in that ward in the election deposited after the count, in the ballotbox, as the law requires?—A. Yes, sir.
- Q. They were. Were all the unused ballots so deposited?—A. Yes.
- Q. Were there any ballots that were voted that were not counted?—A. Yes, sir.
- Q. How many?—A. Four.
- Q. What was done with those ballots?—A. They were destroyed.
- Q. Who destroyed them?—A. The Judge of election.

Cross-examination by Mr. JONES:

Q. Do you mean to say, under your oath, that in the year 1910 was the first time, except one, that there was a Prohibition vote cast in your ward? You don't mean that, do you?—A. I say I never saw any Prohibition votes, only where I saw one. At that time we seen one, only one, and the board thought it was hardly worth while putting it down, and then some of the others said yes; give them what is the vote, and they tallied and counted up that one.

Q. In the seven or eight years that you served on the board the only time a Prohibition vote was cast was one vote at one election?—A. To my memory of it, that is all I saw.

Q. Do you remember when Swallow ran for governor on the Prohibition ticket?—A. I guess he got one.

Q. That is your guess now, is it?—A. It is a bad Prohibition ward, the third ward of Plymouth.

Q. Do you now say that Slias Swallow?—A. I don't know the returns of the third ward particularly when Swallow ran for governor.

Q. That is only about 10 years ago, isn't it?—A. I am not serving on the board for 10 years; ask me something reasonable now.

Q. Do you remember when Corey ran for State treasurer?—A. Yes.

Q. How many votes did he get on the Prohibition ticket in your ward?—A. I don't know.

Q. That was in 1901?—A. To tell you, intelligently, I can't answer, because I didn't keep a record. These men are of no interest to me.

Q. Don't you know that Swallow, the Prohibition candidate for governor, carried Plymouth Borough?—A. Maybe he did.

Redirect examination by Mr. JENKINS:

Q. I think you testified in your direct examination that you were the minority inspector's clerk?—A. Yes.

Q. Now, you may give me the name of the judge of election.—A. John Brace.

Q. What was Thresheton's first name?—A. Peter.

Q. He was the minority inspector?—A. Yes; in Burke's stead.

Q. Who was the majority inspector?—A. William O. Jones should be, but he died about last July or around about there, and Brace appointed a man named William Ballet in his stead.

Q. Did William Ballet serve as an inspector of election during the whole of that day?—A. Yes.

Q. And who was the clerk to the majority inspector?—A. David H. Davis, I think his name is.

Q. And he served all day as clerk to the majority inspector?—A. Yes, sir.

Q. And you, John Burns, served as clerk to the minority inspector. Peter Thresheton; that is right, is it?—A. Yes, sir.

OLIN F. HARVEY recalled on behalf of the contestant.

Examination by Mr. JENKINS:

Q. Have you produced the files as filed in the office of the prothonotary for the third ward of the borough of Plymouth, for the election of November 8?—A. Yes.

Q. I ask you to produce them and will call your attention to them. I now call your attention, Mr. Harvey, to the triplicate return, as produced by you and ask you what are the names of the officers signed to that return as filed in your office.—A. George Brace, William Balliot, Patrick Burke; Brace is judge and Balliot and Burke are inspectors. David H. Davis and John Burns, clerks.

Q. I call your attention to the tally sheet as returned and ask you what names of officers are signed to that tally sheet.—A. George Brace, Judge; Patrick Burke and William Balliot, Inspectors; David H. Davis and John Burns, clerks.

Q. I call your attention now to the election officers' oaths, and ask you what election officers are returned as having taken the oaths of office to conduct the election, as required by the law of Pennsylvania, for that district.—A. George Brace, Judge of election; William Balliot, inspector; Patrick Burke, inspector; David H. Davis, clerk; John Burns, clerk.

Q. Now, when you were on the stand before you were unable to produce the returns for the second subdistrict, as to this mining board district, as to which you gave testimony. I will ask you now whether you made search since then for the returns for the third district?—A. Yes; there were no returns made

of the number, nationality of the miners to whom certificates were issued for the third subdivision of this board.

Q. The three subdistricts together cover what territory?—A. The first inspection district, which comprises the county of Luzerne.

Q. And is coextensive with the eleventh congressional district?—A. Yes, sir.

Cross-examination by Mr. JONES:

Q. Are there any irregularities on the face of these returns which you have produced and identified?—A. I don't see any.

A. J. ELLSWORTH called on behalf of contestant and duly sworn by Commissioner Turner:

Examination by Mr. JENKINS:

Q. You are a resident of the borough of Dorranceton?—A. I am.

Q. And have been about how many years?—A. About 22.

Q. You were a voter at the last election?—A. I was.

Q. I call your attention to the article which appeared in the Wilkes-Barre Record of Monday, November 7, 1910, entitled, "Out for McLean.—Liquor interests so decide at a meeting of dealers," and ask you if you read that article on the day of its publication?—A. I did read that, or one like it, and I presume that is it. I read it in the Record.

Q. On the day before election?—A. Yes.

Q. I will ask you whether the publication of that article as a statement of facts influenced your course in the congressional—in the voting in the congressional contest?

(Objected to unless the witness is willing to testify that this article was the compelling cause which changed his vote from Mr. McLean to voting for Mr. Bowman; his original intention being to vote for Mr. McLean.)

A. It did mine.

Q. Did it affect your vote?—A. Yes, sir.

Q. How did it affect your vote?—A. I had expected to vote for Mr. McLean, but I didn't; when I read that article I voted for Mr. Bowman.

Q. This article changed your vote from Mr. McLean to Mr. Bowman?—A. Yes sir.

Q. You relied upon that article as a correct statement—

(Objected to as leading.)

Q. I will ask you whether you relied upon the representations made in that article?—A. I did, yes, sir; I believed it was so.

Q. You didn't know at the time that the article was a fabrication?—A. I didn't.

Q. What is your business?—A. Grocer.

Q. How long have you been in the business on the West side?—A. About 15 years.

Q. You are also a justice of the peace?—A. Yes, sir.

Q. From the speech of the people in the community, I will ask you whether you found from the speech of the people that that article adversely affected the candidacy of Mr. McLean in the election held the next day.

(Objected to as hearsay testimony.)

A. In my own office where we had discussed these questions I think that it did affect some.

Q. That is it affected some how?—A. Against McLean, along that line.

Cross-examination by Mr. JONES:

Q. When did you have this discussion in your office, before or after the election?—A. I think it was about the time we were reading the article.

Q. That morning?—A. In the morning there were several in there, and during the day, and we had been talking about it.

Q. Then the talk you told about took place before the election?—A. Yes.

Q. And it was to the best of your recollection about the time or immediately after you read the article?—A. Yes; I think so.

Q. And the opinion expressed there by the men in your office was that they thought it would hurt Mr. McLean?—A. Yes.

Q. You were a friend of McLean? Were you a friend of McLean?—A. Well, I can't say; I don't know how you put it.

Q. Are you a personal friend?—A. No.

Q. Had you taken up the matter with him?—A. No.

Q. Are you a Republican or a Democrat?—A. You might call me both.

Q. It is pretty hard to ride the elephant and the jackass at the same time; it would take an enormous straddle to do that properly.—A. That is true.

Q. In national politics what are you?—A. I have been a Democrat usually.

Q. On what ticket were you elected Justice of the peace?—A. On the Citizens' ticket.

Q. An independent ticket?—A. Yes.

Q. Did you rely on what Mr. Davis said in this article—what Davis is quoted as saying in this article?—A. Yes; in that article I supposed—I didn't take a second thought but what the article was true.

Q. Now, you told Mr. Jenkins that you had relied upon and was influenced by what Jonathan Davis had said in this article.—A. But the article—I don't just remember what the wording of the article was at the present time.

Q. Did you make any effort to ascertain whether or not it was true?—A. I didn't.

Q. Then you permitted yourself to be entirely influenced by a mere news item in an important matter like this?—A. I did.

Q. Was it not a matter of public comment, of general comment, in your borough as well as other places for a long time before the election that the liquor interests were active in Mr. McLean's behalf?—A. No; I think not.

Q. You never heard of it?—A. Well, we had heard those rumors about both of them; the impression was that they were both trying—both sides apparently were trying—to keep aloof from that and not side with either.

Q. Both sides were trying to keep aloof from that?—A. Yes.

Q. Both Mr. Bowman and Mr. McLan were trying to keep aloof from the whisky and brewery powers?—A. Not but that I presume they both wanted it.

Q. Which one do you think got it, from what you heard?—A. Well, from what I heard in Wilkes-Barre, it was Bowman.

Q. You think that Bowman got the liquor interests, do you?—A. From what the papers stated.

Q. When did the paper state that Bowman had the benefit of the liquor vote? Any paper?—A. I think it was the morning before the election.

Q. The morning before the election it stated that Bowman would get the benefit of the liquor vote?—A. That the liquor dealers had indorsed him.

Q. Had indorsed Bowman? And it was the Wilkes-Barre Record stated that?—A. Or words to that effect.

Mr. JONES. The contestant at this time personally shows the witness a copy of the Wilkes-Barre Record of November 7, 1910.

Mr. MCLEAN. Which has been heretofore shown to him in this hearing.

Redirect examination by Mr. JENKINS:

Q. Did you mean to testify to that effect on cross-examination?—A. Not that I saw Bowman; I should have said Bowman—I mean McLean.

Q. That is, you read the article you have now read on the morning before the election?—A. That is the article.

Q. That is the article to which you referred in your direct examination as having caused you to change your vote from Bowman to McLean, isn't it?—A. Yes.

Q. You have testified that you heard rumors during the campaign that both sides were looking for the liquor support, did you? I will ask you more directly. Do you know of Richard M. Hughes, the brewer of West Pittston?—A. I know of him; yes.

Q. Do you know that he is vice president of the Pennsylvania Brewing Co.?—A. I have seen his name in the paper.

Q. Did you hear during the campaign that Mr. Hughes was backing the candidacy of Mr. Bowman and was working for him?—A. I have heard that.

Q. And did you hear during the campaign that men were employed by Bowman, or who were in the employ of Bowman, receiving his money, were circulating through the saloons of Luzerne County in his interest?—A. I don't know that I did.

Q. You didn't hear that?—A. I don't remember.

Recross-examination by Mr. JONES:

Q. Who told you that Mr. Hughes was backing Mr. Bowman's candidacy?—A. I couldn't tell you.

Q. When did you hear that—before or after the election?—A. I heard it, I think, before the election.

Q. Well, did you hear it from what you believed to be an authentic, reliable source?—A. All that I could say about it was that it was simply campaign stories, to hurt his candidacy.

Q. To hurt Bowman's candidacy?—A. That was my idea.

Q. Now, you say that this article which appeared in the Wilkes-Barre Record changed your vote? Now, look at it again and tell me what there is in that article to change your vote?—A. You want me to say?

Q. What is there in that article that changed your vote?—A. The idea that the liquor dealers had indorsed him was what changed my vote, that if the liquor dealers had indorsed him there was no doubt in my mind but what he would work for their interests, and their interests would not be my interests, and what I—

Q. Then you assumed in this matter that because the liquor dealers had indorsed McLean that McLean would work for their interests?—A. I did.

Q. Why didn't you call McLean up and see whether he would or not?—A. Well, I don't know.

Q. The mere fact that they indorsed him didn't make you think any less of McLean as a man.—A. No, sir; I don't know as it did.

Q. There was nothing in the article to show that he sought this indorsement, was there?—A. I don't think so.

Q. And you know as a man seeking for votes he would be glad to get support from any parties that he can, don't you?—A. Sure they are.

Q. Now, knowing that they had indorsed McLean, and knowing that the mere fact that they had indorsed him didn't change your opinion of him as a man.—A. I changed my opinion as to what I supposed that he would support.

Q. What did you expect would arise in Congress, to which McLean could lend his support, which would be antagonistic to your views?—A. What I was looking at was the fact that if McLean was indorsed by these fellows, if there was anything came up in Congress where he could help the liquor interests, he would do it.

Q. Well, then, if you had seen in the paper that he was indorsed by a Sunday-school convention, what would you have done?—A. I should have been much more favorable to him.

Q. You would have felt better about it?—A. Yes.

Q. So you think that this changed your opinion of Mr. McLean, did it?—A. It did.

Mr. JENKINS. Are you familiar with the proposed law now in Congress known as the "original-package act"?—A. I am not.

By Mr. JONES:

Q. How did you come to come here? Who subpoenaed you?—A. I don't know.

Q. Did you have any talk with anybody before coming?—A. No.

Q. When were you subpoenaed?—A. Saturday evening.

Q. Did you know what you were subpoenaed for?—A. No.

Q. Did you know what questions would be asked you?—A. No.

Q. Did you talk to anybody before coming on the stand this morning?—A. No.

Q. Do you mean to say that they called you on the witness stand without even knowing whether you had read the article or not?—A. They hadn't been told by me.

Q. Do you know Mr. Jenkins?—A. Yes.

Q. Do you know him well?—A. Yes; pretty well.

Q. Have you ever talked with him about it?—A. I think not.

Q. Have you heard since the election that the Stegmaier Brewing Co. and other brewery interests were interested in Mr. McLean's behalf at the last election?—A. No, sir.

Q. But you did hear that Dick Hughes was interested in Mr. Bowman, did you?—A. I did.

Q. Did you see any of these marked ballots, distributed by brewery agents and collectors and the whisky agents, with McLean's and Tener's name on?—A. No, sir.

GEARY DILLS called on behalf of contestant and duly sworn.

Examination by Mr. JENKINS:

Q. Where do you live?—A. Duryea Borough.

Q. In what ward?—A. The second ward.

- Q. How long have you lived there?—A. 46 years.
 Q. You were a voter at the last election?—A. Yes.
 Q. You have lived there all your life?—A. Well, so far.
 Q. I hope you live awhile longer. Were you an officer of the election in the last election?—A. Judge of election.
 Q. In the second ward?—A. Yes.
 Q. Who was the majority inspector?—A. Thomas L. Williams.
 Q. Who was the minority inspector?—A. The board consisted of Thomas L. Williams—
 Q. Just give me the minority inspector, please.—A. They change so often up there.
 Q. I am speaking of the board that served at the last election.—A. I understand fully.
 Q. Who was the minority inspector?—A. Mike Cleary.
 Q. Who was clerk to the majority inspector?—A. John Rigney and John Ely were clerks.
 Q. John Rigney was clerk to the majority inspector?—A. Yes.
 Q. What are your politics?—A. I am a Republican.
 Q. And John Ely was clerk to the minority inspector?—A. Yes.
 Q. You say you are a Republican in politics?—A. Yes.
 Q. Your brother was minority inspector, elected, wasn't he?—A. Yes.
 Q. What is his politics?—A. He is a Democrat.
 Q. Who appointed Michael Cleary as his substitute, to take his place?—A. One of the inspectors and myself.
 Q. Which inspector?—A. Williams.
 Q. You and Williams appointed Michael Cleary?—A. Yes.
 Q. What is Michael Cleary's politics?—A. He is a Democrat.
 Q. What is the politics of John Rigney?—A. Democratic.
 Q. He is?—A. Well, Rigney is a Republican and Ely is a Democrat.
 Q. Now, which is it?—A. Well, I won't be positive about that.
 Q. You are not sure? What is your business?—A. Undertaker and embalmer.
 Q. What is your brother's business?—A. He runs a livery stable there and is street commissioner of the borough.
 Q. What is the business of James L. Williams?—A. He is shipping boss.
 Q. And what is John Rigney's business?—A. He is a civil engineer.
 Q. Hasn't he some official position in the borough?—A. I think not; he was defeated at one time. He was auditor.
 Q. Wasn't he assessor?—A. Not now.
 Q. Isn't he assessor now?—A. No; never assessor.
 Q. When was he auditor?—A. I think he was auditor three years ago if I am not mistaken.
 Q. Wasn't he auditor last fall?—A. No; I don't think so.
 Q. You were subpoenaed this morning to produce the ballot box of your district?—A. Yes, sir.
 Q. Have you brought it with you?—A. No, sir.
 Q. You have not?—A. No, sir.
- By Mr. JONES:
- Q. Where is the ballot box?—A. I don't know; the sheriff took it away from me.
 Q. There was a hearing in court and investigation by the judges at the time of the official count in that district?—A. About that time.
 Q. And at that time the sheriff, by an order of the court, took the ballot box?—A. Yes.
 Q. And since that time you haven't seen it?—A. I have never seen it.
 Q. And consequently you can't bring it?—A. No.
- By Mr. JENKINS:
- Q. Do you know what was the reason that the court brought that ballot box into court?—A. No.
 Q. Were you there that day?—A. Yes.
 Q. Didn't you hear the investigation there?—A. Yes.
 Q. Who is auditor there now?—A. I couldn't tell you.
 Q. Don't you know that Rigney is auditor there now?—A. I don't know it.
 Q. You know that he was elected auditor for a term that has not yet expired?—A. No; I don't know that.
 Q. You don't know that?—A. No.

Q. That is all. Were you present when he was appointed that morning, when John Ely was appointed?—A. Yes.

Q. You have testified that Ely was a Democrat, didn't you?—A. I don't know; the stenographer has it here.

Q. I am asking you. You testified that he was a Democrat?—A. I believe I did.

Q. Are you sure about it, or did you just believe it?—A. I believe it when I say I am sure.

Q. Did you testify since you went on the stand that Ely was a Democrat?—A. Ely or Rigney, which do you mean?

Q. Ely; did you testify that Ely was a Democrat?—A. It is hard to tell what anybody is.

Q. I am asking you what you testified to within a few minutes.—A. I will tell you.

Q. Did you testify within five minutes—since you went on the stand—that Ely is a Democrat?—A. I said one was a Democrat and the other was a Republican.

Q. Did you testify within five minutes—since you went on the stand—that Ely is a Democrat?—A. I testified that there was one a Republican and one a Democrat.

Q. Did you testify that Ely was a Democrat since you went on the stand here this morning?—A. I testified that Ely was a Republican and Rigney was a Democrat, I think.

Q. Do you testify now that Ely is a Republican and Rigney is a Democrat?—A. I don't know how they voted.

Q. I am not asking that.—A. I am testifying how they served.

Q. I am not asking that. I asked you now what they are—Republicans or Democrats, the inspectors?—A. I don't know what they are.

Q. You don't know what they are?—A. No.

Q. You appointed one as a Republican and one as a Democrat?—A. Yes.

Q. Which did you appoint as which?—A. Ely is a Republican and Rigney is a Democrat.

Q. You say now that you appointed Ely as a Republican and Rigney as a Democrat clerk; is that right?—A. They are so similar in the names that I have them twisted, I think.

Q. You are a little twisted still, are you?—A. No.

Q. Which is which? What did you do? What do you say now you did?—A. What is the use of asking me the second time, when you got my first oath in?

Q. What do you say now you did? What did you appoint Ely as?—A. I appointed a Democrat and a Republican.

Q. Your duty was to appoint a Democrat and a Republican, wasn't it, and to see that they were such, wasn't it?—A. That is supposed to be the duty of the judge; yes.

Q. Which did you appoint as a Democrat?—A. I appointed a Republican and a Democrat—Ely and Rigney.

Q. Which did you appoint as a Republican?—A. We worked together there, me and the inspector.

Q. Who did you and the other inspector working with you there appoint as a Republican?—A. Do you mean to go back to my original statement?

Q. You go back to your original act on election day and tell here now to these commissioners which one of these men you appointed as a Republican and which as a Democrat.—A. I appointed Ely as a Democrat and Rigney as Republican.

Q. That is what you did on election day, did you? That is correct, is it?—A. Don't come over here; I can hear you.

Q. No; I won't come over.—A. Anybody that could tell a Republican from a Democrat that day was a bird.

Q. And are you a bird?—A. No.

Q. So you couldn't tell a Democrat from a Republican?—A. We didn't organize the board until nearly 8 o'clock.

Q. I am not asking about that. I am just asking about—now your present answer is that you appointed Ely as a Republican and Rigney as a Democrat, is it?—A. These two offices there was a vacancy in, and one of them—

Q. I am not asking that; I am putting a question to you that can be answered "yes" or "no." Your present answer is that on election day last you appointed Ely as a Republican and Rigney as a Democrat. That is your pres-

ent answer as to what you did on election day?—A. No; you have it backwards.

Q. What, then, is your present answer? That you appointed Ely as a Democrat, and Rigney as a Republican?—A. No; I didn't answer it yet.

Q. But you said I had it backwards. Did I have it backwards in my previous question?—A. That is—

Q. Did I have it backwards in my previous question when I said that you said that Ely was a Republican and Rigney a Democrat. Was that backwards? Was that backwards, Mr. Dillie? That was backwards?—A. No; the way I had it was that Ely was a Democrat and Rigney was a Republican.

Q. That is the way you had it on election day?—A. That is the way I believe it was on election day.

Q. That is the way you appointed them on election day?—A. I don't know how I appointed now; but I believe I appointed them that way now.

Q. You believe that on election day you appointed Ely as a Republican and Rigney as a Democrat, is that right?—A. Yes.

Q. And if you have testified contrary to that this morning on the stand you were in error, is that true?—A. I could be.

Q. And were, if that is the way you made the appointments? Now, you say the polls didn't open in the morning until 8 o'clock?—A. No; I said it was probably about 8 or a quarter to 8.

Q. But it was nearly 8 o'clock, and a considerable number of voters had already gathered to cast their votes, hadn't they?—A. There was several there; but they all waited and voted.

Q. There were several there at the time you got together to organize the board and open the polls?—A. Yes.

Q. And some were Democrats and some were Republicans?—A. I don't know that.

Q. Some assumed to be Democrats and acted there as Democrats, and some as Republicans, didn't they, in the organization of the board?—A. Yes; that is so.

Q. And when you appointed your Democratic watcher—which one did you say it was now?—A. I didn't say a watcher; I said an inspector.

Q. When you appointed your Democratic inspector, which did you say it was not?—A. Ely was the Republican and Rigney was the Democrat.

Q. When you appointed that Democratic inspector, Rigney, were there any protests? When you appointed that man were there any protests from the Democrats present?—A. No; no protests at all.

Q. There were no objection made on the part of the Democrats that the board was organized with Republicans, then?—A. No; positively none.

Q. And it was not so organized, was it?—A. It was organized with a Republican inspector and a Republican clerk, and a Democratic inspector and Clark, and a Republican judge.

(No cross-examination.)

WILBUR SEARCH called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS :

Q. Where do you live?—A. Shickshinny.

Q. How long have you lived there?—A. About 40 years and more.

Q. You were a voter at the last election?—A. Yes.

Q. I call your attention to an article which appeared under date of November 7, 1910, in the Wilkes-Barre Record, with the heading "Out for McLean—Liquor interests so decide at a meeting of dealers," and I ask you if you read that article at the time of its publication, and whether it was read by your neighbors in your community to your knowledge?—A. Yes, sir; I read it.

Q. Are you able to say from your knowledge of its effect upon your neighbors down there whether that publication of that article in the Wilkes-Barre Record caused the citizens to vote against Mr. McLean who had previously intended to vote for him?

(Objected to as hearsay evidence.)

A. Yes.

Q. How many did it change, to your knowledge?—A. Well, there is one told me personally that he was going to vote for George McLean, but after that piece came out in the paper he said he couldn't do it, and that he was going to vote for Bowman.

(Objected to as hearsay.)

Q. Do you know of any others personally that you have in mind?—A. No; but I heard several talking about it.

Q. From the speech of the people down there, what effect did it have on Mr. McLean's candidacy in your community?—A. Several said that it hurt George a good deal, that piece in there, but the one in particular told me that he was going to support George until that piece came out.

Q. Do you know Thomas Hill down there?—A. Yes.

Q. What is his politics generally?—A. Republican.

Q. Do you know whether Mr. Bowman gave him any money to use in the election?

(Objected to as being hearsay evidence unless the witness was there.)

A. Unless I was there?

Mr. JONES. Unless you were there at the time it was given?

A. No; I don't, only what he told me.

Mr. JENKINS. What did he tell you?

(Objected to as hearsay.)

A. He told me he got some of Bowman's money and spent some he gave him; and there is another party got some, so Hill told me. I don't know; I didn't see no money.

Cross-examination by Mr. JONES:

Q. Where do you live?—A. Shickshinny.

Q. When do you live in Shickshinny?—A. When I am there.

Q. How often are you there?—A. Every night.

Q. Don't you board in Wilkes-Barre?—A. No.

Q. Have you boarded in Wilkes-Barre any time, while an officer connected with the courthouse?—A. No.

Q. What is your official position?—A. Tipstaff at the orphan's court.

Q. That is a Democratic appointment?—A. Yes, sir.

Q. You are a Democrat, are you not?—A. Yes.

Q. And appointed by a Democratic judge of the orphan's court?—A. Yes.

Q. Were you home on election day?—A. Yes.

Q. Did you vote?—A. Yes.

Q. Were you at the polls?—A. Yes; I was around there.

Q. Were you working at the polls?—A. No.

Q. Did you ask anybody to vote?—A. I asked some of them if they voted.

Q. Did you ask anybody to vote for Mr. McLean?—A. Not around the polls, I didn't.

Q. Did you ask them to vote for McLean any place?—A. Yes.

Q. How many?—A. I couldn't tell you.

Q. How many Republicans did you ask?—A. I asked some.

Q. Did you have any money?—A. No.

Q. Did you spend any money?—A. No.

Q. McLean carried Shickshinny this time?—A. Yes.

Q. By how many votes?—A. I just forget how many.

Q. What is that town ordinarily, Republican or Democratic?—A. Republican.

Q. And this year McLean carried it?—A. Yes.

Q. Can you tell me what men were active in his behalf in Shickshinny?—

A. No; I wasn't there much of the time.

Q. At the polls, while you were there, who were the Democratic watchers at that district?

(Objected to as not cross-examination.)

A. I think Webster Remaley was one.

Q. What does he do?—A. He is a wheelwright.

Q. Who else?—A. I don't just remember who.

Q. That article didn't have much effect in Shickshinny, did it, when McLean carried that Republican town by 72 votes?—A. Well, it did with some of them.

Q. It must have helped him, didn't it?—A. He would have got more, if it wasn't for that.

Q. Do you know who was active in his behalf, that he should carry that Republican town?—A. He knows almost everybody, and they know a good man especially, and come out and support him.

Q. Do you have any hotel keepers down there?—A. Yes.

Q. Were they active in his behalf?—A. I couldn't tell you.

Q. Did you have any brewery agents or collectors down there active in his behalf?—A. No; I wasn't there long.

Q. Who is the wholesale liquor man down there?—A. Haas, I think, is the only one we got in Shickshinny.

THOMAS DEVEY, called on behalf of the contestant, and duly sworn.

Examination by Mr. JENKINS:

Q. Where do you live?—A. In the first ward, first district of the city of Wilkes-Barre.

Q. How long have you lived there?—A. In that part of the town for about 14 years.

Q. Were you a voter at the last election?—A. Yes.

Q. Were you an officer?—A. Yes.

Q. What office did you hold?—A. Judge.

Q. You were judge of election. Who was the majority inspector?—A. Rev. Meckel.

Q. Are you a Democrat or a Republican?—A. I am a Democrat.

Q. And Rev. Meckel, he is a Democrat?—A. No; he is a Republican.

Q. Was he the majority inspector?—A. Yes.

Q. Is the district Democratic or Republican?—A. Well, I believe it would go Republican.

Q. Who was the minority inspector?—A. Carl Koseck.

Q. Who was the clerk?—A. Ben Polen was clerk; he is clerk in the city hall; and a young man named Murray, he was the Democratic clerk. Polen was the Republican clerk.

Q. Were any ballots that were cast at that election thrown out or rejected by the election board?—A. Yes.

Q. What ballots were rejected?—A. There was five straight Keystone tickets. Marked with a cross in the straight party column; and one out of the five voted for Bowman and four voted for Mr. McLean; and that is to the best of my knowledge and belief.

Q. What was done with those five ballots?—A. They were put in the ballot box, but we didn't count them.

Q. You rejected them in the count?—A. Yes; because to the best of my knowledge and belief when a man marks a straight party ballot I don't see why he can interfere with another ballot.

Q. You rejected these ballots because you officers, as officers of the election, held that the law required you to reject ballots marked in the Keystone column and marked for a candidate in another column?—A. Yes.

Q. You knew in that election that the Keystone Party didn't have a candidate for Congress?—A. Yes.

Q. And the votes for Congress that you thus rejected were four for McLean, the Democrat, in the Democratic column, and one for Bowman in the Republican column; is that right?—A. Yes; to the best of my knowledge and belief.

Cross-examination by Mr. JONES:

Q. You put these ballots back in the ballot box?—A. Yes; after we were through counting.

Q. When did you first talk to Mr. McLean about this?—A. Just a short time ago.

Q. You were subpoenaed some time ago?—A. Yes.

Q. Were you subpoenaed to bring your ballot box?—A. Yes.

Q. Have you got it?—A. Squire Carkhuff has it.

Q. Under the law you took it to the nearest justice of the peace?—A. Yes, sir.

Q. Do you read the Times Leader?—A. No, sir; I take the Record.

Q. Then you didn't see the reference, in the article in the Times Leader, with reference to ballots so marked?—A. No; I did not.

B. F. GRIFFITH called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. Where do you live?—A. Nanticoke.

Q. In what ward?—A. The seventh.

Q. How long have you lived there?—A. Off and on in that ward about 17 or 18 years.

Q. Were you a voter at the last election there?—A. I was.

Q. Were you an officer?—A. Yes.

Q. What office did you hold?—A. Judge of election.

Q. Who were the majority and minority inspectors?—A. John Boscoe and A. S. Jacoba.

Q. In counting the ballots, after the polls closed on the night of November 8, were any ballots rejected by that election board?—A. Two to my knowledge.

Q. Two ballots were rejected? Were these ballots marked for candidates for Congress?—A. Yes; two of them.

Q. How were they marked?—A. A cross opposite the name.

Q. Whose name?—A. I don't know; I wouldn't say whether it was Mr. Bowman's or Mr. McLean's; I wouldn't be sure.

Q. Were there not three?—A. I wouldn't say three; the two I am sure of.

Q. Have you got your box here?—A. Yes.

Q. Will you open it and see how those ballots were marked?

Mr. JONES. I say to you now, as a matter of law, that you have no right to open that box. If the commissioner wants to open it, let him, but you will be liable to a heavy punishment if you open it. I say that as your friend. There is a commissioner sitting here and you have your box here. I say to you as a friend to let the commissioner open it and let him take the responsibility.

Mr. JENKINS. You have produced the box?

A. Yes.

Q. Where is it?—A. In Mr. McLean's room.

Mr. JONES. I want to take an objection on the record when you begin to open it.

Mr. JENKINS. That is all right. We will take it into the custody of the commissioners. We will put in on the record that the witness on the stand produced the ballot box and turns the same over into the custody of Arthur A. Turner and John A. Opp, commissioners in this case, together with the keys.

Q. Mr. Griffiths, the box you now produce is the box which was used in your ward in Nanticoke Borough, the seventh ward, in which you were judge of election, on November 8, last year?—A. Yes.

Q. And the contents, all the ballots and documents which the election laws of Pennsylvania require that the election officers shall deposit in the ballot box were so deposited and the box was locked and sealed after election?—A. It is all in there.

Q. They are all in there?—A. Yes.

Q. And you have delivered it up to Mr. Arthur L. Turner, one of the commissioners in this case the key which fits the locks of that box?—A. Yes, sir.

(Counsel for the contestant now asks that the commissioners impound the ballot box.)

Cross-examination by Mr. JONES:

Q. Where did you get that ballot box this morning?—A. From the polling place; we left it there.

Q. In whose custody?—A. Miss Nancy Gower.

Q. Who is the nearest Justice of the peace there in your town?—A. Squire Burnett.

Q. Was this ballot box delivered to Squire Burnett, the nearest Justice of the peace, after the election?—A. No.

Q. It was left in the polling place, was it?—A. Yes; it has always been since I know it.

Q. In the care of the woman who owns the house?—A. Yes.

Q. And you don't know what has happened to it since?—A. No; there has nothing ever happened; nobody had occasion to have been there before.

Mr. JONES. The contestee objects to the impounding of this ballot box by the commissioners, first, because it has not been kept since the election in the charge of the custody or under the care of the officer designated for such purposes by the law; second, because nowhere is there any authority for the commissioner in a congressional-election contest to open an election ballot box.

Mr. JENKINS. I will ask the commissioner, Arthur L. Turner, to whom the witness upon the stand has delivered a key which he testified is the key to this ballot box, to show the key to the witness and I ask the witness in whose custody has the key been which you have now delivered to the commissioner since you locked the ballot box on the night of the election after the vote had been counted and the documents deposited in the box?

A. In my care.

Q. This key which the commissioner now holds has been in your possession since you locked the box on the night of election?—A. Yes, sir.

Mr. JONES. Was the ballot box bound round with tape and sealed after the election?

A. No, sir.

MR. JENKINS. Was the ballot box in the condition when you delivered it to the person from whose custody you received it this morning, was it in the condition as you now produced it here?

A. Just the same.

MR. JONES. What time did you come here this morning?

A. I left Nanticoke on the 8 o'clock car and was here about 20 minutes to 9.

Q. Where did you take the ballot box?—A. I took it into McLean's office.

Q. That is the contestant's office?—A. Yes, sir.

Q. And it is now 12 o'clock, when you produce it?—A. Yes, sir.

Q. And it has been for the last 3 hours and 20 minutes in Mr. McLean's office?—A. Yes, sir.

Q. Out of your custody and out of your care?—A. Yes; that is where the subpoena told me to deliver the box, to his office, No. 713, and I put it there.
(No cross-examination.)

THOMAS BOYLE, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. Where do you live?—A. In Duryea borough, fourth ward.

Q. Were you an officer of the election board at the election held November 8, 1910?—A. Yes.

Q. What office did you hold?—A. Judge.

Q. Have you been subpoenaed to produce the ballot box used by you for that election?—A. Yes, sir.

Q. Have you brought it here?—A. Yes.

Q. Will you produce it?—A. Yes, and produce the key to open it right away.
[Witness produces ballot box and key.]

Q. You have produced the ballot box?—A. Yes.

Q. That was used by the election board of the fourth ward of Duryea borough at the election held on November 8, 1910?—A. Yes.

Q. Did the board, at the close of the polls, after the counting of the vote, deposit in this box that you have now produced all the files and documents required by law in Pennsylvania to be deposited in the ballot box after the election was held?—A. Yes, sir.

Q. After they were thus deposited did you, as judge of election, lock that box?—A. Yes.

Q. Have you the key to that lock, which will open it?—A. Yes.

Q. Has it been constantly in your custody since the 8th of November, when you locked the box?—A. The key? Yes.

Q. Has the ballot box itself been in your custody?—A. No.

Q. In whose custody has it been?—A. Squire Pesantine's.

Q. Did you obtain it from him this morning?—A. Yes, I got it Saturday night from him.

Q. You delivered it to him on November 8, after the polls closed?—A. The two inspectors delivered it to him.

Q. They delivered it to the squire after you locked it?—A. Yes.

Q. And you obtained it this morning?—A. Obtained it on Saturday.

Q. Have you the key?—A. Yes.

Q. Will you indicate to Commissioner Turner what key fits that lock?—
A. Yes.

Mr. JENKINS. We ask that the ballot box for the fourth ward of Duryea borough and the key as produced by the witness and delivered to the commissioner be impounded and delivered to the commissioners.

Mr. JONES. Counsel for contestee offers the same objection as in the former case, where the ballot box was impounded.

ARTHUR E. PRICE, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. Where do you live?—A. Duryea.

Q. What ward?—A. The first ward.

Q. Were you an election officer at the last election?—A. Yes.

Q. What office did you hold?—A. Judge of election.

Q. Have you been subpoenaed to produce here the ballot box used by your board?—A. Yes, sir.

Q. Have you produced it?—A. Yes, sir.

Q. Is it here?—A. Yes, sir. [Witness produces box.]

Q. Have you brought with you the key to this box?—A. Yes.

Q. At the close of the election on the night of November 8, 1910, did the election officers deposit in this box all the ballots, unused ballots, and documents required by the law of Pennsylvania to be deposited in the ballot box before the same is locked and sealed?—A. Yes.

Q. That was done under your personal supervision?—A. Yes.

Q. And after it was so done, did you lock and seal this box?—A. Yes.

Q. When you locked and sealed it, what disposition did you make of it?—A. One of the clerks and I and the constable went up to the squire's office with it—the nearest justice of the peace.

Q. What justice of the peace?—A. John Pesantine.

Q. And you deposited it as the law requires, with the nearest justice of the peace?—A. Squire Pesantine's.

Q. Did you obtain it from his custody when you came down here?—A. Yes; I got it Saturday evening.

Q. You produced the key which fits the lock now, did you?—A. Yes.

Q. Has that key been constantly in your custody since you locked the box?—A. Yes; excepting now, this moment.

Q. Since you locked the box?—A. Yes.

Mr. JENKINS. Contestant asks that the box and key to the lock thereof be impounded by the commissioners, Messrs. Turner and Opp.

Mr. JONES. To this the contestee interposes the same objection as made formerly to the request for impounding of boxes by the commissioners.

(No cross examination.)

JAMES McFADDEN called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. Where do you live?—A. In the second ward of Edwardsville borough.

Q. How long have you lived there?—A. Four years.

Q. Were you an election officer last November at the election held November 8?—A. Yes.

Q. What office did you hold?—A. Judge of election.

Q. In the second ward?—A. Yes; in the second ward.

Q. Have you been subpoenaed to produce the ballot box used by your election board in that election?—A. Yes.

Q. Have you produced it?—A. No.

Q. You have not?—A. No.

Q. Why?—A. Well—

(Mr. Thomas Butkiewicz, jr., states that he is counsel for this witness and has advised the witness that he had no authority to the ballot box, it having been duly delivered to the justice of the peace for safe-keeping until the next succeeding election, and for that reason the witness has failed to produce the ballot box under the law.)

A. I made a demand on Burgess Hatton for it, and he refused to give it up.

Q. Is that where the ballot box is now?—A. Yes; in the town hall of Edwardsville borough.

Q. Did you deliver it to Justice Hatton for keeping after the election closed the night of the election?—A. Not myself personally; I didn't go up with it; it was taken up by Shields and Carney, if I remember right.

Mr. JONES. Who is the nearest justice to you in Edwardsville?

A. Burgess Hatton.

Q. In addition to being burgess he is one of the justices?—A. Yes.

Mr. MCLEAN. In what ward is he justice?

A. He is justice of the peace in Edwardsville borough—not a ward.

Q. Who are your other justices there?—A. Henry I. Myles.

Q. Where is his office?—A. Behind it.

Q. You mean by that what?—A. In the same building; the burgess is in front and Myles is in the rear room.

Q. When was Burgess Hatton, as you say, elected justice of the peace of Edwardsville borough?—A. Three years ago, I believe.

Q. Three years ago?—A. Yes.

Q. And he is burgess?—A. You swear that he is burgess and justice of the peace?—A. I do; yes, sir.

THOMAS POYNTON called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

- Q. Where do you live?—A. In the first ward, Swoyersville Borough.
 Q. What office did you hold at that last election?—A. Judge of election.
 Q. And you acted as such all day?—A. Yes.
 Q. Have you produced the ballot box upon subpoena?—A. Well, I didn't have it, and I didn't produce it.
 Q. Why didn't you produce it?—A. I went and made a demand on Squire Miller and he wouldn't turn it over to me.
 Q. Squire Henry E. Miller?—A. Yes.
 Q. That is the Squire Miller who has been here all morning?—A. Yes.
 Q. This gentleman? [Indicating.]—A. Yes.
 Q. You made a demand on him and he wouldn't give it to you?—A. Yes.
 Q. At the close of the election on November 8, did you, as judge of election, deposit in the ballot box used in the first ward on that day all the ballots, unused ballots, and other documents which the law of Pennsylvania requires to be deposited in ballot boxes, and locked therein?—A. Yes.
 Q. And having deposited those documents in the ballot box you locked the box, did you?—A. There was no lock on the box, the lock got rusted and we had to break the lock off.
 Q. When did you break the lock off?—A. About two years ago, I guess.
 Q. And since that time you have had no lock on the box?—A. No; no lock on the box.
 Q. And delivered an unlocked box?—A. Yes; with tape around it.
 Q. What did you do with the box?—A. Delivered it to the inspectors, and they delivered it to Miller.
 Q. To Squire Henry E. Miller?—A. Yes.
 Q. And instead of locking the box you put tape around it?—A. Yes.
 Q. Didn't you tape and seal it?—A. Yes; indeed.
 Q. Did you seal it?—A. I believe the seal is on it.
 Q. Before you delivered it to Squire Miller you sealed it with wax, did you?—A. Yes, sir.
 (No cross-examination.)

HENRY MILLER called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

- Q. You were a Republican worker at the last election in the first ward?—A. Proud of it; yes, sir.
 Q. Did you throw out money promiscuously around the polls and the polling place?—A. I wish I had been on the job; I could have got a lot of George McLean's to throw out.
 Q. Answer the question, please.—A. I had none, but was offered some.
 Q. You didn't throw out money—half a dollar or a dollar at a time to anybody who would pick it up?—A. I didn't say or didn't see anything like that.
 Q. You didn't do that?—A. No, sir.
 Q. You didn't see anybody do that?—A. I would have grabbed a few if I did.
 Q. You would have grabbed a few if you did?—A. I say if I had I would have grabbed some.
 Q. Is the ballot box of the first ward in your custody?—A. Yes.
 Q. You are a justice of the peace?—A. Yes, sir.
 Q. And you have been for about 12 years?—A. Thirteen years.
 Q. Have you been subpoenaed here this morning?—A. Yes, sir.
 Q. Did you produce that ballot box?—A. No, sir.
 Q. Was a demand made upon you to produce it?—A. Yes, sir.
 Q. You refused?—A. Yes, sir; I refused; yes, sir.
 Q. And you say you are justice of the peace and have been for 13 years?—A. I think 13 years this month.
 Q. What official position do you hold about the mine there?—A. I am known as a common everyday fire boss.
 Q. You have been a fire boss for a great many years?—A. Yes, sir.
 Q. Your brother is a fire boss, too, isn't he?—A. Which brother?
 Q. Your brother Jake.—A. Yes, sir; he is a fire boss.
 Q. Both of you are bosses?—A. We are fire bosses.
 Q. They are bosses, are they not?—A. There is what is called a miner, as-sistant boss, and a fire boss.

Cross-examination by Mr. JONES:

- Q. Have you been subpoenaed to produce the ballot box?—A. No, sir; and even if I was I wouldn't produce it.
- Q. You said you had a chance to get some money this election?—A. Yes, sir.
- Q. Who offered it to you?—A. William McLean.
- Q. Do you mean this contestant?—A. No; I mean his brother.
- Q. When?—A. Well, the election was on Tuesday, November 8, I think that is it—it was Monday night, November 7.
- Q. You mean that you got this offer Monday night?—A. Yes, sir.
- Q. Where?—A. In my home.
- Q. In Swoyersville?—A. In Swoyersville Borough.
- Q. What time did Mr. McLean come there?—A. Sometime about 7 o'clock in the evening.
- Q. Who came with him?—A. An automobile drove up in front of my place; there were two fellows came in the back door, two Polish gentlemen—they came in the kitchen; when a rap came to the front door, and I opened the door and there stood McLean's brother and John Script, and the automobile stood out on the curb.
- Q. John Script, the hotel keeper?—A. Yes, sir.
- Q. Where is he a hotel keeper?—A. In Swoyersville borough, the first ward.
- Q. He was here this morning?—A. Yes, sir.
- Q. You say that particular man that he came with was William S. McLean, jr., or was it Percy?—A. I don't know; I don't know the McLeans, running backward, forward, or through.
- Q. There has been two McLeans here this morning—George R. McLean, the contestant, and his younger brother, Percy. It was not any of those two, was it?—A. No, sir.
- Q. But it was another McLean, was it?—A. Yes, sir; a McLean.
- Q. Tall, was he?—A. Yes; a good-looking chap.
- Q. What did McLean say to you?—A. When they came in, Mr. Script said that McLean wanted to see me, and I said, "All right." He said that he would like to see me privately. I said, "Yes." We went in the dining room and closed the door, and Mr. Lean said, "Squire, I would like to have you take a hand in this fight over here and help my brother out to-morrow." He said, "You can name your price and I will pay you."
- Q. Is that all that was said?—A. I said, "That sounds pretty good, but suppose that I take the money and stab your brother in the back to-morrow; you would meet me the following day and say, "You are a _____," and he said, "No; hardly that, but I would not think that was right," and then I said, "I don't want your brother's money; I am going to vote the Republican ticket from top to bottom," and then we got discussing about—
- Q. Tell me all that was said there.—A. I am getting to that; give me a chance. I says, "Do you think, McLean, that the meeting they held yesterday will do your brother any good to-morrow?" "Well," he said, "I don't know; I guess it won't do him any hurt." He said, "Of course, some would naturally go back on him, but the others would support him."
- Q. What article did you have reference to? What meeting did you have reference to?—A. The meeting I had reference to was a letter sent out to notify all saloon keepers to attend a meeting to be held in Concordia Hall.
- Q. Did you attend such a meeting?—A. No, sir; I wasn't invited.
- Q. Did you get such a letter?—A. My brother did, and I read the letter.
- Q. Is he a hotel keeper?—A. Mr. Bacha got a letter over there.
- Q. Is your brother interested in the liquor business?—A. No; but he is a standing applicant for license for seven years; I presume they thought he was in the business.
- Q. Which brother do you mean?—A. Jake.
- Mr. JENKINS. Counsel for contestant objects to the whole of this testimony as not cross-examination, and moves to strike it out as not being cross-examination with respect to any matter brought out by the examination of the witness in his examination in chief.
- Q. Did he say anything further to you?—A. No more than he said his brother was indorsed, and he asked me could I name a man or two to help him out, and I said, "That is hard to tell." I said, "There is two Polish fellows out there; if you can get them they are all right." They were sitting in my reception hall, and they went back to Maltby, hired another fellow, who hasn't got his money yet and is still waiting.

Redirect examination:

Q. The brother you referred to, Squire, is your brother Jake, who is here this morning?—A. Referred to what?

Q. Referred to in your testimony in cross-examination?—A. About the letter?

Q. Yes; the brother you referred to in your testimony is your brother Jake, who is here this morning?—A. Yes; he received a letter.

Q. You didn't refer to no more than one in your testimony, did you?—A. I referred to one; I have got more than one. I thought possibly I got excited.

Q. You referred to your brother Jake?—A. Yes.

Q. He is the one you spoke of as a standing applicant?—A. Yes.

Q. He is not an applicant any longer?—A. No; he is safe now; he got his license.

Q. Did you say, in response to Mr. Jones's question, that you did not produce the ballot box and would not produce it if subpoenaed to produce it?—A. Yes.

Q. You did say that?—A. Yes, sir.

Q. Why wouldn't you produce it?—A. You got to show me something besides a subpoena to bring that box in. I suppose—

Q. What more would you have to be shown than a subpoena?—A. I was advised not to bring the box in.

Q. You were advised not to bring the box in?—A. Yes; I consulted my attorney about it, and he said not to bring the box up for the election officers. He said if you had been subpoenaed you could have brought it in.

Mr. JONES. You will bring it in if they send out for it?—A. If they send a wagon to haul it I will come down with it.

Mr. JENKINS. Didn't you say you wouldn't bring the box in if you were subpoenaed?

A. I wouldn't carry the box around; no.

Q. Who advised you not to bring in this ballot box?—A. Who advised me?

Q. Yes; you said you had consulted counsel, who so advised you.—A. My attorney.

Q. What attorney gave you that advice?—A. I don't know; you are getting rather personal now.

Mr. JONES. You don't have to tell that if you don't wish to.

A. I won't tell.

Q. You refuse to tell?—A. My attorney so—

Q. Who is your attorney?—A. Now, just a moment. He is an American. You send a wagon up and a subpoena and get that box.

Q. You won't answer who your attorney is?—A. I won't.

Mr. DANDO. If they send up a wagon to haul the box, you will give them the box and will come down with the wagon?

A. Yes; but I wouldn't carry the box down here for McLean and Bowman.

Q. How far is it to your place?—A. About 5 miles.

Q. How far do you have to walk before getting on a street car?—A. It is about a third of a mile from my house, and almost a mile from my office.

Q. Where have you the box?—A. I got the box at home.

Mr. JENKINS. Counsel for contestant offers notice on the record, upon the witness on the stand, who has been duly subpoenaed to be here this morning, to appear again this afternoon and bring with him the ballot box of the first ward of the borough of Swoyersville, being the ballot box delivered to the witness on the stand on November 8 last by the election officers, as testified to by Thomas Poynton.

(Hearing adjourned until 1.30 p. m.)

Hearing resumed at 1.30 p. m. pursuant to adjournment of forenoon session.

Notice of hearing, names of witnesses, etc.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Tuesday, the 21st day of March, 1911, at 10 o'clock in the forenoon at the police court room, City Hall, 53 North Wyoming Street, city of Hazleton, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such and hereby

designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Adam Lesser, Upper Lehigh, Pa.; Joe Hinkle, Jr., Upper Lehigh, Pa.; James Breslin, Upper Lehigh, Pa.; Walter Heckler, Upper Lehigh, Pa.; Maurice Johnson, Upper Lehigh, Pa.; George Casmier, Upper Lehigh, Pa.; Walter Richards, Woodside, Pa.; George Miller, Sandy Run, Pa.; Frank Anthony, Sandy Run, Pa.; John Pallo, Sandy Run, Pa.; Gomer Morgan, Sandy Run, Pa.; James Renshaw, Oakdale, Pa.; Conrad Creasing, Ebervale, Pa.; John Gaffney, Jr., Ebervale, Pa.; Samuel Dunkerley, Jeddo, Pa.; Warran Drumheller, Lattimer, Pa.; Nicholas Clotolo, Lattimer, Pa.; Freas Swank, Lattimer, Pa.; Wesley Hall, Lattimer, Pa.; A. W. Drake, Lattimer, Pa.; James Birkbeck, Eckley, Pa.; William Aubrey, Eckley, Pa.; George Singley, Eckley, Pa.; John Henry, Eckley, Pa.; John Davis, Eckley, Pa.; George Memshock, Eckley, Pa.; John Evans, Hazlebrook, Pa.; Joseph Stephens, Hazlebrook, Pa.; Barton Youngman, Hazleton, Pa.; William H. Davies, Hazleton, Pa.; David Roderick, Hazleton, Pa.; Michael Lumbargo, Hazleton, Pa.; John Phillips, Hazleton, Pa.; Michael Melf, Hazleton, Pa.; William Lilly, Milnesville, Pa.; Jacob Gittenger, Milnesville, Pa.; John T. Davis, Milnesville, Pa.; Nathan Charles, Milnesville, Pa.; John Raiha, Milnesville, Pa.; John Beach, Harwood, Pa.; John Panco, Harwood, Pa.; Peter Dougherty, Harwood, Pa.; James O'Harra, Harwood, Pa.; William Edwards, Beaver Brook, Pa.; Frank Conahan, Beaver Brook, Pa.; James Glennon, Beaver Brook, Pa.; Richard Evans, Beaver Brook, Pa.; William Roth, Beaver Creek, Pa.; Charles Harvey, Drifton, Pa.; Charles Rohland, Drifton, Pa.; John Crooks, Drifton, Pa.; Andrew McNamee, Drifton, Pa.; Christie Kennedy, Drifton, Pa.; John Fierro, Hazleton, Pa.

GEO. R. MCLEAN.

Service accepted March 18, 1911.

EVAN C. JONES, *Counsel for Contestee.*

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Tuesday, the 21st day of March, 1911, at 9 o'clock in the forenoon, at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

George Reece, Plymouth, Pa.; A. J. Ellsworth, Dorranceton, Pa.; Patrick Burke, Plymouth, Pa.; David H. Davis, Plymouth, Pa.; John Burns, Plymouth, Pa.

GEO. R. MCLEAN.

Service accepted March 18, 1911.

EVAN C. JONES, *Counsel for Contestee.*

Mr. JENKINS. The contestant offers in evidence the following acts of assembly of the Commonwealth of Pennsylvania:

First. The act of 1906, P. L. 36, commonly known as the primaries act.

Second. The act of 1906, P. L. 78, commonly known as the corrupt practice act.

Third. The acts of assembly of the Commonwealth of Pennsylvania as the same are designated in the thirteenth edition of Purdon's Digest vol. 2, page 1307, and the pages following, under the general head of "Election," and the acts of assembly, being designated by the date and the page of the pamphlet laws, wherein they may be found, upon the margin of the digest thereof in Purdon.

Fourth. The acts of the assembly of the Commonwealth of Pennsylvania, as digested in vol. 1 of Purdon, page 912, thirteenth edition, under the general head of "Crimes," the subdivision "Bribery," being the acts of assembly, reference whereto is made upon the margin thereof by reference to the date of passage and the page in the pamphlet laws wherein they are to be found.

Fifth. The acts of assembly as digested in vol. 1, Purdon, page 932, thirteenth edition, under the general head of "Crimes," and subdivision, "Election," being the acts referred to by and upon the margin.

Sixth. The acts of assembly as digested in vol. 3, Purdon, page 2546, under the head of "Mines," being the acts referred to in the margin thereof by the date of passage and the page of the pamphlet laws.

MICHAEL GILLESPIE called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

- Q. Where do you live?—A. Plymouth Township.
 Q. What district?—A. The sixth west.
 Q. Were you one of the officers of the last election?—A. Yes, sir.
 Q. What office?—A. Judge.
 Q. In the sixth west district?—A. Yes, sir.
 Q. Have you been subpoenaed to produce the ballot box?—A. Yes.
 Q. Have you done so?—A. Yes, sir.
 Q. Is it here?—A. It is in McLean's office.
 Q. Just produce it, please. [Witness produced ballot box.]
 Q. Mr. Gillespie, you have produced the ballot box of the sixth west district of Plymouth Township, which was used at the election held November 8, 1910?—A. Yes, sir.

Q. Have you the key of that ballot box with you?—A. Yes.
 Q. Will you produce it to the commissioner? [Witness hands key to Commissioner Turner.]

Q. At the close of the polls and the counting of the vote on the night of election, did you and your associates—officers of this election district—deposit in the ballot box all the ballots used and unused, and all documents required by law of Pennsylvania, to be deposited in the ballot box?—A. Yes, sir.

Q. After they were thus deposited did you personally lock that box with the key you are now handing to the commissioner?—A. Yes, sir.

Q. Has the key with which you have locked the box been in your custody since the night of election?—A. Yes, sir.

Q. What disposition did you make of the ballot box thus locked on the night of election?—A. Turned it over to Squire Treston.

Q. You did that on the night of election?—A. Yes.

Q. Did you, after the service of the subpoena upon you, obtain this ballot box from the squire to whom it was delivered that night?—A. Yes, sir.

Q. After you locked the ballot box on the night of election, did you and your fellow officers seal the box?—A. No; just as it is here.

Q. You didn't seal it?—A. No, sir.

Q. It is in the same condition now as it was then?—A. Yes, sir.

(Counsel for contestant asks that the ballot box and the key to the same, now produced by the witness, be impounded by the commissioners in this case.)

Cross-examination by Mr. JONES:

Q. Where did you get the ballot box from to bring it here?—A. From Squire Treston?

- Q. When did you get it, this morning?—A. Yes.
 Q. Squire Treston is here?—A. Yes, sir.
 Q. What time did you bring it here this morning?—A. Half-past 9.
 Q. It is now 2 o'clock. Where has it been since?—A. Over in McLean's office.
 Q. Not in this room?—A. No; right around the corner, in his office.
 Q. Was it under your control and sight all the time?—A. No.
 Q. Were you out to lunch?—A. Yes.
 Q. Did you take it with you?—A. No.
 Q. Where did you leave it?—A. In McLean's office.

Mr. JENKINS. You had the key with you?—A. Yes, sir.

Mr. JONES. Counsel for contestee makes the same objection to this offer to have the ballot box and the key impounded that has been made to the previous offers in relation to the other ballot boxes and keys.

Redirect examination by Mr. JENKINS:

Q. There are a large number of voters in the sixth west district of Plymouth township who do not mark their own ballots, are there not?—A. At times; yes, sir.

Q. Were there any such voters who voted at the election held November 8?—A. No; I don't think there were many.

Q. You don't think there were?—A. No, sir.

Q. Who marked the ballots of those who couldn't mark their own?—A. I couldn't say.

Q. They were admitted to the booths—those markers were freely admitted to the booths to mark the ballots without any request except by the people themselves, weren't they?—A. Every voter that required assistance he got, he got it, provided he couldn't read or write.

Q. Didn't you, as an election officer, admit a great many markers on the part of the voters, without any request?—A. No, sir; there was a request on all.

JONATHAN R. DAVIS, recalled on behalf of contestant.

Examined by Mr. CAMPBELL:

Q. You have, under advice of counsel, refused to produce your checks or the stubs of your check books for all transactions prior to September 16, 1910?—A. On the advice of counsel I refuse to produce them.

Q. You have brought to the hearing your stubs of a check book of moneys drawn prior to September 17, but that is so sealed that no examination can be made of it?—A. Yes.

Q. The first check you received from Mr. Bowman was October 3?—A. October 3.

Q. In June, about June 14, you received from Mr. Bowman a check of \$600?—A. Yes, sir.

Q. And you received another subsequently of \$150, or thereabouts, from Mr. Bowman?—A. Yes, sir.

Q. And, Mr. Davis, those two items of \$600 and \$150 you did not include in your expense account, either as manager of Mr. Bowman's campaign at the primaries or manager of his campaign at the election?—A. No, sir.

Q. On September 20, 1910, you drew a check payable to the First National Bank of Plymouth for \$2,000?—A. Yes, sir.

Q. That was for the payment of a note you have there?—A. Yes; that was a personal matter.

Q. It had nothing to do in connection, directly or indirectly, with the campaign of Mr. Bowman?—A. No; not in any shape or manner.

Q. In no way?—A. In no way whatever.

Q. Was any of that money in any way used in the political way for Mr. Bowman?—A. No, sir; in no shape or manner.

Q. It was purely a personal matter?—A. Purely personal matter. I think that I can produce that transaction.

Q. You have your checks there on the Kingston Bank? On October 6 you drew a check on your account in the Wilkes-Barre Deposit & Savings Bank, payable to the Deposit and Savings Bank of Kingston, for \$500?—A. Yes, sir.

Q. And that money was drawn out of the campaign fund?—A. It was drawn out of my personal account.

Q. In which you had deposited \$2,000 of Mr. Bowman's money?—A. Yes, sir.

Q. You then, on the same day, drew a check on the Kingston Deposit and Savings Bank for \$500 and deposited it to your credit as Jonathan R. Davis, agent?—A. Yes, sir.

Q. Now, Mr. Davis, you turned that \$500 which you had in the Wilkes-Barre Deposit and Savings Bank to yourself finally, as agent, in the Kingston Deposit and Savings Bank?—A. Yes.

Q. Why didn't you draw the check in the first instance on the Wilkes-Barre Deposit and Savings Bank to Jonathan R. Davis, as agent, instead of to yourself and then subsequently check it out to yourself as agent?—A. I don't know why. I had no special reason why I did that.

Q. You had no reason?—A. No particular reason. I don't think that it is the same date, is it?

Q. Yes: October 6. On October 29 you drew a check payable to yourself on the Wilkes-Barre Deposit & Savings Bank for \$500, and October 31 you deposited that check to your account in the Deposit & Savings Bank, of Kingston, Pa., and the same date you drew a check on the Deposit & Savings Bank, of Pittston, to yourself as agent, for \$500. Why did you do that?—A. I had no particular reason, except that I wanted to keep that account in the Kingston bank, and the agent account, and the other being associated together.

Q. Why did you not draw the check to yourself as agent?—A. I did in the Kingston bank.

Q. No; in the Wilkes-Barre bank?—A. Because I had no account there as agent.

Q. Why did you draw the check on the Wilkes-Barre Deposit & Savings account to yourself personally to Jonathan R. Davis? You did that?—A. Yes, sir.

Q. Cash for the Kingston bank?—A. Yes.

Q. And you deposited it in the Kingston bank to the credit of Jonathan R. Davis?—A. Yes.

Q. And you then drew a check on the same day on the Kingston Deposit & Savings Bank to Jonathan R. Davis, agent, for \$500?—A. Yes, sir.

Q. Why didn't you in the first instance make the check on the Wilkes-Barre Deposit & Savings Bank payable to Jonathan R. Davis, agent?—A. I had no special reason why I didn't.

Q. None?—A. None; any more than I wanted the transaction to show on my Kingston bank with Jonathan R. Davis, agent, has been connected with my personal account as Jonathan R. Davis in the Kingston bank.

Q. What did that have to do with it?—A. Nothing specially.

Q. You say it was to pay an obligation in the bank?—A. Not the check, the check was not.

Q. Well, it was to go into a special fund?—A. It would go into a special fund.

Q. You knew that when you drew the check upon the Wilkes-Barre Deposit & Savings Bank, that it was to go into a special fund?—A. Yes.

Q. Why didn't you draw it to yourself for the special fund?—A. I drew it for deposit in the Kingston bank for my personal account.

Q. Why didn't you in the first instance draw it on the Wilkes-Barre Deposit & Savings Bank account to your agent account?—A. I had no special reason.

Q. You had then an agent account?—A. Yes.

Q. You have not produced it here?—A. No, sir.

Q. Why not?—A. Because it is a partnership account, but I will be glad to produce it in five minutes, if you want to see it.

Q. I will ask you this: Was any part of that \$500 payable to you as agent used for any political purposes?—A. Not a cent; no, sir.

Q. Directly or indirectly?—A. Directly or indirectly.

Q. It was purely personal?—A. Purely personal.

Q. In a matter that concerns you in a business transaction and not politics?—A. Yes; no politics whatever.

Q. I merely ask you this. I don't want your account, other than the check of October 31, 1910, payable to Jonathan R. Davis, agent, No. 853, of the Deposit & Savings Bank of Kingston. You need not bring the account.

(Witness shown his deposit book in the Wilkes-Barre Deposit & Savings Bank.)

Q. I ask you to read the items, beginning with July 29, 1910, the item being the balance of \$791.31, up to and including the deposit of October 3, 1910. Just read the dates and amounts.—A. (Witness reading from deposit book.) July 29, balance, \$791.31; July 29, deposit, \$110; August 2, \$415; August 3, \$250; August 3, \$205; August 9, \$240; August 18, \$450; August 25, \$260; August 29, \$300; September 3, \$90; September 6, \$70; September 7, \$951.40; September 8, \$190; September 12, \$55; September 14, \$2,500; September 16, \$1,800; September 17, \$150; September 19, \$1,000; September 20, \$2,000; September 22, \$502.50; September 28, \$509.23; October 3, \$2,205.

Q. The deposit of October 3, 1910, includes the check of \$2,000 which Mr. Bowman gave you?—A. Yes, sir.

Q. And you say that was the first check?—A. That is the first check that I received from Mr. Bowman.

Q. Deposited September 20, 1910, \$2,000, did you say?—A. No; October 3.

Q. The deposit of September 20, 1910—\$2,000—did that include anything from Mr. Bowman?—A. Not a cent; no, sir.

Q. September 19, 1910, \$1,000?—A. No; not a cent.

Q. The deposit of September 14, 1910, \$2,500?—A. No; not a cent.

Q. Or September 16, 1910, \$1,800?—A. No.

(Witness shown check book on the Wilkes-Barre Deposit Bank of Wilkes-Barre, up to and including check 1,004.)

Q. Now, up to and including check No. 1,004, what was the aggregate of the checks drawn by you as shown by your stubs?—A. \$13,710.81.

Q. That was just a little prior to the check of October 6, 1910, payable to Jonathan R. Davis for \$500, marked "Deposit & Savings Bank of Kingston"?—A. Yes, sir.

Q. Do you know John Korn, Lladislaw Wywioski, both of Duryea?—A. No, sir.

Q. Or Adam Korn, of Duryea?—A. No.

Q. Did you ever have a conversation with Adam Korn?—A. No; not to my knowledge.

Q. In relation to the political campaign?—A. No.

Q. Did you have any political dealings with him directly or indirectly?—A. I don't know him.

Q. You don't know John Korn?—A. No.

Q. Or you don't know Adam Korn?—A. I don't know him.

Q. You don't know such a person?—A. No.

Q. Of Duryea?—A. No.

Q. And you never had any dealings with such a person?—A. Never.

Q. Did you have any conversation—do you know Ladislaw Wywioski, of Duryea?—A. I don't recall. Is he the school teacher up there?

Q. I don't know. I will ask you this: Did you have any talk in your office with two Poles from Duryea who represented that they belonged to a Polish club in that town?—A. I recollect something about that, but whether it was in my office or in Paul Schmitt's office I am not sure.

Q. Do you recall Mr. Bowman being present when you were talking to the two men in your office?—A. No, sir.

Q. Do you recall your talking to them to securing their services, to influence the Polish club of Duryea, for Mr. Bowman and the Republican Party?—A. I have some recollection of a Polish club, but I have no recollections what arrangements we made.

Q. Did you pay them \$25, or either of them, on account of the contract you made with them for the delivery of the vote of the Polish club of Duryea?—A. No, sir.

Q. Did you engage either of these men to hire watchers for Mr. Bowman in Duryea or the immediate locality?—A. No, sir; I had nothing to do with them.

Q. Never made a payment of any sort?—A. No, sir.

Q. Did you have a discussion with other Poles concerning the delivery of the vote of the Polish club to Mr. Bowman?—A. No.

Q. When you say to the best of your knowledge and belief it is based upon the fact that you had no talk with anybody?—A. Personally I had none.

Q. Were you present when anybody was discussing the question about delivering the vote of the Polish club?—A. No, sir.

Q. Or procuring their vote for Mr. Bowman?—A. No, sir.

Q. What did you mean when you said awhile ago, "I had recollection of this Polish club?"—A. The name you speak of, if he is a school-teacher in Duryea, he was down to Paul Schmitt's office, and Paul Schmitt telephoned to have me come over there. When I got over there this gentleman had left, so I didn't come in contact with him in any shape or manner.

Q. What was the purpose of the interview?—A. The purpose was to engage watchers from the members of this club.

Q. Did you engage watchers?—A. No, sir; I did not.

Q. Mr. Davis, you are absolutely certain you did not give any money to those people?—A. Absolutely.

Q. Directly or indirectly?—A. Directly or indirectly. I had nothing to do with them.

Q. Did you make any promise to them?—A. No, sir.

Q. Or to anybody in their behalf?—A. No, sir.

Q. Were you here when Mr. Bowman testified that he went up to the Polish club to Duryea a couple of nights before election?—A. I think I was.

Q. Did you accompany Mr. Bowman?—A. No, sir.

Q. Was there any liquor furnished and given to this club?—A. I can't tell you; I wasn't there.

Q. Did you pay for it?—A. No, sir.

Q. Did you give money to anybody to pay for it?—A. No, sir.

Q. Did you give it to Mr. Robert Bowen?—A. No, sir.

Q. Did you hear there was liquor furnished the club?—A. No, sir, I did not.

Q. And you haven't heard of it since?—A. No, I haven't heard of it since.

Q. Do you know Samuel R. Morgan of the city of Wilkes-Barre?—A. Yes, sir.

Q. What is his business?—A. Superintendent of the Delaware and Hudson Coal Co.

Q. Did you have an interview with Mr. Morgan?—A. No, sir, I did not.

- Q. Did you send for Mr. Morgan?—A. No, sir, I did not.
- Q. Did you send a messenger for him?—A. I sent Mr. Bowman up to see him.
- Q. For what purpose?—A. For the purpose of getting him to support Mr. Bowman in his campaign—getting him interested in Mr. Bowman's campaign.
- Q. Samuel R. Morgan is a Democrat?—A. I don't know.
- Q. Haven't you heard?—A. He has been a Republican all his life until recently.
- Q. How recently?—A. Only from hearsay; I can't tell you.
- Q. How recently?—A. Well, I have heard him being called a Democrat I suppose for the last four or five years.
- Q. Then you don't know he is a Democrat?—A. No, sir, I don't.
- Q. So far as his profession of faith is concerned?—A. He gave me to understand that he was very much interested in Mr. Bowman, and I presumed from that he was back in the fold.
- Q. Didn't you say—when did he tell you that he was very much interested in Mr. Bowman?—A. At a ball game last summer.
- Q. What month?—A. I can't tell you what month.
- Q. You said awhile ago that you didn't have an interview with him?—A. I didn't.
- Q. You say now that you had?—A. It was a casual conversation that I had with him.
- Q. What distinction do you make between a casual conversation and interview?—A. When I speak to a man on the street I don't consider that an interview.
- Q. Then it is merely as to the place?—A. This was a talk practically on the thoroughfare at the ball game—coming out of the ball game.
- Q. But you said you didn't have a talk with him—we will call it a talk—did you?—A. Yes, sir; in that respect.
- Q. When did you have a talk with him again?—A. I didn't have any further conversation with him.
- Q. But you sent Mr. Bowman to see him?—A. Yes, sir.
- Q. How often did you send Mr. Bowman?—A. Once.
- Q. Did you send a messenger in any other way to Mr. Morgan that you would like to see him or that you wanted to see him?—A. I telephoned him once.
- Q. For what?—A. To ask him to come down to the office.
- Q. About what?—A. Referring to the campaign.
- Q. When?—A. I don't know exactly.
- Q. To the best of your recollection it was about when?—A. Two weeks before election.
- Q. That was after Mr. Bowman had been to see him?—A. No; before Mr. Bowman.
- Q. Did he come down?—A. No, sir; he did not.
- Q. What answer did he send?—A. He didn't give me any answer. I don't recall now what he said. He said that he was busy or something of that kind. I don't remember just now what he said.
- Q. What services did you want Mr. Morgan to render Mr. Bowman?—A. Political services.
- Q. Of what character?—A. In assisting in the campaign.
- Q. In what way?—A. Securing votes. Securing his friends to vote for Mr. Bowman.
- Q. Did you want his services in the way of getting watchers?—A. There was nothing said about that.
- Q. Was this one of your purposes?—A. Yes, sir.
- Q. Did you say anything to him about providing money wherewith to getting watchers?—A. No, sir; I didn't talk money with him.
- Q. And after this talk with Mr. Morgan you sent Mr. Bowman up there? You gave Mr. Bowman instructions what to do, didn't you?—A. No, sir; I didn't.
- Q. You didn't tell him what to do or say?—A. No, sir.
- Q. Didn't you generally instruct him what to do or say?—A. No, sir.
- Q. Mr. Bowman has testified, for instance, that you told him whenever he had a chance of getting special watchers that he should do so. Is that so?—A. I may have told him that.
- Q. Then you didn't give him some instructions?—A. Not with reference to going up to see Mr. Morgan.
- Q. I mean as to the general instructions that he could get special watchers.—A. I don't recall that.

Q. You did, as a matter of fact, didn't you?—A. I suppose I did in some cases.

Q. Mr. Bowman has testified that he went up to see Mr. Morgan and that he told Mr. Morgan that if he went down to see you that you would attend to the financial part of it?

Mr. JONES. Mr. Bowman didn't testify to that at all.

Q. You heard Mr. Bowman testify that he told Mr. Morgan that he wanted him to see you and you were attending to the financial part of it?—A. I didn't hear that testimony.

Q. Wasn't there any understanding between Mr. Bowman and you that he should go and get special watchers and you would pay for them?—A. No, sir; there was nothing of that kind.

Q. None whatever?—A. No, sir.

Q. Did you intimate to Mr. Bowman—did you intimate to Mr. Morgan through Mr. Bowman or through any other messenger—that you would provide all the money necessary for Mr. Morgan to get watchers?—A. No, sir; no conversation in that line at all.

Q. But you say it was your intention, however, if you could induce Mr. Morgan so to do, to have him go out and get special watchers?—A. Yes, sir.

Q. Did you have any talk with Mr. Morgan afterwards? After the election—over in the Terminal or the Redington?—A. I don't recall of any.

Q. Did you state to Mr. Morgan, in the presence of some people there, that Mr. Morgan, pointing to Morgan, "There is the only man I couldn't land in this campaign?"—A. I don't remember that.

Q. Did you say anything like that?—A. I don't remember meeting him.

Q. In the Redington or the Terminal?—A. I don't recall it.

Q. Do you recall of having seen Mr. Morgan at any time after this baseball casual talk?—A. No, sir.

Q. You have no recollection of having seen Mr. Morgan?—A. No; not for any conversation.

Q. I mean when you were passing Mr. Morgan when he was in the Redington or the Terminal, did you make that remark?—A. I don't remember that.

Q. Or anything like that?—A. I don't remember that.

Q. Well, was it a fact that he was the only mine superintendent or foreman that you tried to land that you couldn't land?—A. I can't answer that.

Q. Just think about it?—A. I guess that is true.

Q. Let me refresh your recollection again. Did you not say that as you passed Mr. Morgan?—A. No, sir; I did not. I don't recall any conversation of that kind.

Q. Do you know William Morris, of Hanover Township?—A. Yes.

Q. Did you have an interview with him during the campaign?—A. I think I did.

Q. Did you attempt to have him act as manager or go-between for you in the securing of assistance of a resident of Hanover Township?—A. No, sir.

Q. Did you discuss with him Mr. Bowman's candidacy?—A. Yes.

Q. You discussed with him also the candidacy of Patrick McGeever, for the legislature, of the sixth legislative district?—A. Yes, sir.

Q. What offer did you make to Mr. Morris for to induce Mr. McGeever to support Mr. Bowman?—A. I didn't make any offer.

Q. What suggestion did you make to him in the way of getting McGeever to assist you?—A. I didn't make him any suggestion.

Q. Did you suggest anything to him?—A. Yes, sir.

Q. Did you discuss McGeever's candidacy?—A. Yes, sir.

Q. And you did discuss with him the advisability of getting McGeever's assistance, and that of Mr. McGeever's friends?—A. Yes, sir.

Q. Mr. McGeever was an independent candidate running for the legislature?—A. Yes, sir.

Q. What suggestions did you make to Mr. Morris?—A. I didn't make any suggestions to him at all.

Mr. JONES. He said he didn't make any suggestions at all.

Q. Didn't you suggest to him the advisability of getting McGeever's assistance?—A. No, sir.

Q. Didn't you ask him how McGeever might be induced to help?—A. No; I asked if there was any possibility.

Q. Of getting McGeever?—A. Of getting McGeever to assist Mr. Bowman.

Q. What amount of money did you tell him was available for that purpose?—A. Not a penny.

Q. You didn't get, or you didn't attempt to get, any special watchers in Hanover Township?—A. No.

Q. Did you ask Morris whether a certain amount of money would induce McGeever to assist you?—A. Never mentioned a cent of any sort.

Q. Did you hint at it?—A. I tried to ascertain what could be done to get the support of these gentlemen for Mr. Bowman, and they told me it was impossible; that they were going to be for Mr. McLean.

Q. Did you give a hint or intimation to Morris that there was some money available if they could use it?—A. No, sir.

Q. Do you know James Judge, of Plains?—A. Yes, sir.

Q. Did you have an interview with James Judge, of Plains?—A. Yes, sir.

Q. What was the talk you had with him?—A. Well, I went to see Mr Judge, and tried to employ him for Mr. Bowman's interests. He told me that he would not be able to do so; that he had promised McLean.

Q. Mr. James Judge is a resident of Plains Township?—A. Yes.

Q. And he is a very prominent Democrat?—A. Yes, sir.

Q. And he is a man supposed to wield big influence in the township?—A. Yes, sir.

Q. How much did you offer him?—A. I didn't offer him a cent.

Q. You say you went there to employ him?—A. Yes, sir.

Q. How much did you intend to pay him if he would consent?—A. I haven't any idea.

Q. Will you approximate the amount, Mr. Davis?—A. I have no idea.

Q. Do you recall that you were willing to pay him a certain sum?—A. Yes; I went up to see him.

Q. To employ him, of course?—A. Yes, sir.

Q. And you knew that it would require money to employ him?—A. Yes, sir.

Q. And you went there for the purpose of employing him?—A. Yes, sir.

Q. Did you go to many Democrats in the county?—A. I went to a few of them.

Q. Many of them?—A. A few of them.

Q. Is that the reason you can't recall the amount of money that you offered to Judge, because you went to so many of them?—A. I didn't make Mr. Judge an offer. There are 10 polling places in Plains Township, and I expected if he would consent to the conducting or assisting Mr. Bowman's candidacy for us he would want \$10 for each polling place.

Q. You were prepared to give him \$100?—A. Yes, sir.

Q. Did you expect him to go out and get Democrats to work for the Republican party for the same compensation that was paid to regular watchers?—A. Yes, sir.

Q. That was your experience in the campaign—that you could hire Democrats for the same price as you could hire Republicans?—A. Yes, sir.

Q. So that you remember now that you were willing to pay Mr. Judge \$100?—A. No; I didn't say that I was willing to.

Q. Didn't you expect to?—A. No, sir.

Q. Didn't you indicate a willingness to pay him more than that?—A. No; in fact, there was not a word said about the money between Mr. Judge and I; there was no reference to the financial end of it at all.

Q. Do you know Mr. Conlon, up in Plains Township?—A. Mr. Who?

Q. Mr. Conlon.—A. No, sir; I do not.

Q. He is a mine foreman.—A. I don't know him.

Q. Did you discuss with Judge the probability of your being able to employ, as you say, any particular persons up there—giving their names and positions?—A. No, sir.

Q. Were any names discussed or mentioned up there who would be available?—A. No, sir.

Q. Did you make any inquiry about persons?—A. No, sir; I did not.

Q. You said you went to many Democrats, or a large number?

Mr. JONES. He said a few.

Q. How many did you go to?—A. I can't recall.

Q. About how many?—A. Possibly a few.

Q. Is it not a fact, Mr. Davis, in conducting this campaign that you went to every Democrat of supposed influence that you thought you might be able to induce to support Mr. Bowman?—A. No, sir; I did not.

Q. Can you give me any idea what you mean by a few?—A. I was out to see two or three prominent Democrats.

Q. Only two or three in the county?—A. That is all I can recall.

- Q. You were willing to pay them money, too?—A. Yes.
Q. Did you pay it to them?—A. I don't recall that.
Q. Why can't you recall it if it was only a few?—A. I don't recall that I paid any of them money.
Q. Do you recall that you promised to pay any Democrats?—A. No.
Q. Do you mean to say that there were so many that you can't recall, is that the reason you give?—A. No, sir.
Q. You went, however, to see a few?—A. I said I possibly went to see a few.
Q. Not possibly; what did you do?—A. I don't recall what I did in that connection.
Q. You recall Judge, however?—A. Yes.
Q. And Morgan?—A. Yes.
Q. And those are the only two that you can recall?—A. Yes.
Q. Well, did you interview E. J. Keating of Pittston Township?—A. No, sir; at no time.
Q. Or did you have anybody in your behalf?—A. No.
Q. Or did you suggest to anybody that Keating should be interviewed?—A. I had no dealings with him directly or indirectly through anybody.
Q. Did you make a suggestion to anybody that a person go and see Keating?—A. No.
Q. Did you issue any checks to anybody during the campaign that have not been paid?—A. No, sir.
Q. Everyone that you issued has been paid?—A. Everyone I am sure of.
Q. You have verified that?—A. The checks here will verify that.
Q. Well, in the primaries you were employed as manager of Mr. Bowman's campaign, you have so testified?—A. Yes.
Q. Both in the primaries and at the general election?—A. Yes, sir.
Q. And during the primaries you expended a large sum of money in Mr. Bowman's behalf?
Mr. JONES. Objected to for the reason that the primaries are not a part of this investigation and I instruct the witness not to answer. His account filed speaks for itself.
Q. Does the witness refuse to answer?—A. My attorney advised me not to answer.
Q. And you refuse to answer for that reason?—A. Yes.
Q. You refuse to answer any questions concerning the amount of money that you expended in behalf of Mr. Bowman's candidacy for Congress prior to June 4?—A. Yes.
Q. You refuse to answer any question that is relevant to the amount of money that was expended by you in Mr. Bowman's campaign prior to June 4?—A. With reference to the primaries.
Q. That is, the primaries?—A. Prior to June 4.
Q. The primaries or the general election?—A. Yes; prior to June 4.
Q. That is understood?—A. Yes.
Q. I will ask you this: In the campaign for the primaries, did you give anybody any money so as to have their good will for Mr. Bowman in the election?—A. No, sir; I don't recall of anybody.
Q. Nobody?—A. Nobody.
Q. And did you issue any checks for services of that kind which have not been paid?—A. There was a check for \$25 in the primaries—may I explain that.
Mr. JONES. Was it given on account of the election?—A. No; positively no.
Mr. JONES. It it pertains purely to the primaries do not answer it.
Q. It was a check for \$25 that was not cashed.
Mr. CAMPBELL. To whom did you give it?—A. I will tell you confidentially.
Mr. JONES. Don't answer that.—A. I will tell it if it don't go on the record. It is a matter of a \$25 check that was not cashed, and it is not cashed yet, to my knowledge.
Mr. CAMPBELL. To whom was it given?—A. I would rather not tell.
Q. Is the check given to a resident of Hazleton or that locality?—A. Yes, sir.
Q. As I understand, you refuse to give the name?—A. I would rather not give the name. I refuse.
Q. As I understand you, under advice of counsel, you refuse to answer the question or to answer any question with relation to any expenditure of money by you in the campaign, prior to June 4, 1910, in the campaign of C. C. Bowman for the office of Congress?—A. Yes, sir.

Q. Now, you have been in a number of political campaigns in this county as an office seeker and also as a manager for candidates?—A. Yes, sir.

Q. The Republican Party in this county has an organization consisting of at least one committeeman in every ward or voting district?—A. Yes, sir.

Q. Now, the practice has been, and the practice in this campaign was, as far as the regular watchers were concerned, to have the money distributed to these various committeemen?—A. Yes, sir.

Q. You gave the money to what was known as the legislative district chairmen?—A. Yes, sir.

Q. And then he gave it to the subcommitteemen? Now, in addition which you gave to the regular watchers, you employed what you have been pleased to designate in your account as special watchers?—A. Yes.

Q. For instance, in the second ward of Wilkes-Barre you employed, as you say, four watchers who were unknown to you. Why didn't you consult the district committeemen in that ward before employing special watchers?—A. I didn't consult the committeemen in either case at any time.

Q. You didn't?—A. No.

Q. Why, didn't you?—A. Because it was a physical impossibility.

Q. Was it a physical impossibility for you to get into communication with a man that was within 1 mile of your office?—A. Yes, sir.

Q. It was?—A. Yes; taking the committeemen in general. If I had started on a system of that kind—

Q. As a matter of fact you never consulted with any of the committeemen in regard to special watchers?—A. No, sir.

Q. For instance, in the sixth legislative district you employed quite a number of watchers; at least you distributed money for the employment of many?—A. Yes.

Q. Without any knowledge of the district chairman?—A. Yes.

Q. And that was true in every case?—A. Yes.

Q. As a matter of fact those special watchers were almost invariably Democrats?—A. No; I wouldn't say that.

Q. The greater number of them?—A. No; I don't think the greater number of them.

Q. If they were to be Republican watchers why didn't you deal with your Republican district committeeman?—A. There was no prescribed system about the dealing or about the employing of them.

Q. You knew that you were going to employ these special watchers?—A. Some of them I did; yes, sir.

Q. And you knew then, that they were to be Republicans, you say?—A. Yes, sir.

Q. Then, why didn't you tell the district committeeman that you were going to have, in addition to the two that they were to employ in every district, some special watchers who were Republicans?—A. Well, I think I did.

Q. To what district committeeman did you tell that?—A. I can't recall that.

Q. Did you tell it to James Quinn?—A. It was generally understood. He was the district chairman.

Q. Did you tell him?—A. Yes, sir.

Q. James Quinn swears that he never knew anything about it; that the first he heard of it was when it came out in this hearing, is that so?—A. I don't know.

Q. Did you tell Guscott?—A. I don't think I did.

Q. Did you tell Maxey?—A. Yes.

Q. What did you tell Maxey?—A. I told him there would be extra watchers employed in the city.

Q. And where they were to be?—A. I didn't know where.

Q. Or what party they belonged to?—A. No.

Q. Did you tell that they were to be Republicans?—A. I don't think that I told him that.

Q. Why didn't you say to him not to employ the same watchers?—A. I don't know.

Q. You are an experienced politician. Did you go out and give money to men, not knowing whether they were also getting money from the district committeemen?—A. No; they compared their lists.

Q. Did you give a list to the district committeeman?—A. No.

Q. How could they compare their lists?—A. He had a list, and I told the gentlemen I gave the money to here to in the city of Wilkes-Barre to consult with Mr. Maxey, so that they would not conflict.

Q. To whom did you give money in the city of Wilkes-Barre?—A. To Weiss.

Q. And you told him to consult with Mr. Maxey?—A. Yes, sir.

Q. That was for the employment of Republican watchers?—A. Yes.

Q. Why didn't you give the money to Mr. Maxey and have him distribute it through Mr. Weiss, as he had to do the others?—A. I preferred to do it in that way.

Q. Why?—A. Because I thought it would have a better effect.

Q. Would it be more effective for you to give the money to Weiss than to have Maxey give the money to Weiss?—A. Yes; Weiss has had more experience in campaign work than Maxey.

Q. What had that to do with the giving of the money, the source from which it came, whether it came from Mr. Maxey as the practice has been and was with you, except for special watchers, or whether you gave it direct to Weiss. What difference would it make?—A. I don't know as it made any special difference.

Q. Would it not have been more expeditious to have given the money to Maxey, and he then would consult with Mr. Weiss as to the watchers that he was to employ before he distributed the money?—A. I don't know.

Q. In your opinion, then, if you don't know, wouldn't it have been more expeditious?—A. I don't think so.

Q. Under your system, then, it would necessitate the calling in of Maxey?—A. Yes.

Q. And then it necessitated the calling in of Mr. Weiss?—A. Yes, sir.

Q. And did you call them in at the same time?—A. No, sir.

Q. Then it would necessitate Mr. Weiss going to see Mr. Maxey or Mr. Maxey going to see Mr. Weiss?—A. Yes, sir.

Q. And still you don't know that it would be more expeditious?—A. No.

Q. A great many or a number of these special watchers were Democrats?—A. Not to my knowledge.

Q. How many of them were?—A. I can't tell you.

Q. What?—A. I don't know.

Q. You don't know the number to your knowledge?—A. No, sir; I can't tell.

Q. And the only people that you can give us any knowledge of are the mysterious four from East End?—A. I said I don't know.

Q. Isn't it a fact that the greater part of the money given to special watchers as a matter of fact went to Democrats?—A. I don't think so.

Q. Did you make any inquiry after election as to who got this money?—A. No, sir; I did not.

Q. Why didn't you?—A. I had no special reason.

Q. And you say now, Mr. Jonathan R. Davis, that you have knowledge as to whether this money, as to the best of your knowledge and belief, I am asking you, whether the greater part of that money didn't go to Democrats?—A. I don't believe that it did.

Q. Do you know if any part of it went to Democrats?—A. I can't say.

Q. To the best of your knowledge and belief?—A. I think some of it did.

Q. The greater amount of it?—A. No; I don't think it did.

Q. What proportion of it went to Democrats?—A. I haven't any idea.

Q. I will ask you this question: Did you give money to anybody prior to June 4 for their good will for Mr. Bowman, to have their good will for Mr. Bowman?—A. No, sir.

Q. Was this check of \$25 given for that purpose?—A. No, sir.

Q. Did you include the \$25 in your expense account of the primaries?—A. No, sir.

Q. You do not?—A. No, sir; the check hadn't been cashed.

Q. Did you include any checks—then I understand that all the checks which had not been paid at the time of the filing of the account were not included in it?—A. They were all paid excepting that one.

Q. Mr. Davis, do you know Reese Jones?—A. Reese Jones?

Q. Yes. Over in Edwardsville. He was married here to some relative of Dr. Edwards. Do you recall being in the Hotel Redington at any time after the primaries at which there was a wedding party?

Mr. JONES. This is objected to as having been gone into thoroughly on cross-examination.

Q. You have got the wrong man at that wedding at the Redington.

Q. Were you at any wedding party at the Hotel Redington or the Terminal after June 4?—**A.** Never in my life.

Q. Did you pass through there while there was a wedding party?—**A.** Not to my knowledge.

Q. Did you pass through there at a time when there was a party of men and women assembled and for which you bought champagne?—**A.** Never. I never bought a bottle of champagne in my life.

Q. Were you there at any time when there was a stag dinner assembled there?—**A.** No.

Q. You were not there at any sort of a function at which you provided champagne?—**A.** No, sir; never.

Q. Or agreed to pay for it?—**A.** Never.

Q. Or ordered the management to give it to this party?—**A.** Never; no, sir.

Q. And you don't know Reese Jones?—**A.** I don't. It seems that there is a champagne story around about me and I want to find out about that.

FRED RODDA called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. You are the sheriff of Luzerne County?—**A.** Yes, sir. Let me suggest that the court has a record of these votes as counted by the court. They were counted in open court, and that might save you the trouble of carrying the ballot box around. Elias Cohen has the record.

Q. You have been subpoenaed to produce the ballot box of the second ward of the Borough of Duryea?—**A.** Yes.

Q. This ballot box came in your custody in what way?—**A.** By an attachment through the court.

Q. In connection with the official count last fall?—**A.** Yes.

Q. And after the counting of the vote in court, was this ballot box opened in court after you produced it there, to your knowledge?—**A.** Yes, it was.

Q. After the counting of the ballot in court I will ask you whether the ballot box was sealed by you and remained in your custody?—**A.** It was sealed by two of my deputies, McCloskey and Guscott, as it shows on the ballot box.

Q. And you now produce the sealed ballot box which was placed in and has been in your custody, after it was so sealed, after the counting by the court?—
A. Yes.

Q. And you are prepared to deliver it over into the custody of the commissioners sitting in this congressional contest so soon as the court of this county may make an order relieving you of the responsibility for its custody?—
A. Yes.

Q. Have you the key to this box?—**A.** Yes.

Q. Then, subject to the obtaining of this order, we offer the box and ask that it be impounded.

Mr. JONES. Counsel for contestee object to the impounding by the commissioners of the ballot box and key, for the reason enumerated in the previous objections to the other boxes asked by the contestant to be impounded.

(Hearing adjourned until 10 a. m. Tuesday, March 21, 1911, at the police court, City Hall, Hazleton, Pa.)

TUESDAY, MARCH 21, 1911.

Hearing resumed at 10 a. m. pursuant to adjournment, at the police court room, in City Hall, Hazleton, Luzerne County, Pa.

Appearances: George R. McLean, contestant, in person; A. C. Campbell, Esq., and John E. Jenkins, Esq., counsel for contestant; Arthur L. Turner, Esq., commissioner for contestant; Evan C. Jones, Esq., and John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., commissioner for contestee.

JOSEPH HINKLE, Jr., called on behalf of contestant and duly sworn by Commissioner TURNER:

Q. Where do you live?—**A.** Upper Lehigh.

Q. That is in Butler Township?—**A.** Yes, sir.

Q. What district of Butler Township?—**A.** The first legislative district.

- Q. Butler Township is self-divided into two several election districts?—A. Yes, sir.
- Q. What district do you live in and vote in?—A. Well, we always call that—we always marked that on the ballots, "First legislative district."
- Q. What district of Butler Township?—A. The Upper Lehigh district.
- Q. Is that the official designation?—A. Yes, sir.
- Q. You are a voter in that district?—A. Yes, sir.
- Q. And you were an officer at the last election?—A. Yes, sir.
- Q. What office did you hold, Mr. Hinkle?—A. Judge.
- Q. You conducted the election, did you?—A. Yes, sir.
- Q. You were there at the opening of the polls?—A. Yes, sir.
- Q. And remained until they closed?—A. Yes, sir.
- Q. What are your politics?—A. I am a Republican.
- Q. Who was the majority inspector?—A. John Sherman.
- Q. He actually served that day?—A. Yes, sir.
- Q. What are his politics?—A. Republican.
- Q. Who was the minority inspector?—A. Peter Amon.
- Q. What are his politics?—A. Democratic.
- Q. He has always been a Democrat, to your knowledge?—A. Yes, sir.
- Q. Who was the majority clerk?—A. William Rorebaugh.
- Q. What are his politics?—A. Republican.
- Q. Who was the minority clerk?—A. William Heller.
- Q. What are his politics?—A. I believe he is a Republican.
- Q. What is your occupation, Mr. Hinkle?—A. Locomotive engineer.
- Q. For whom do you work?—A. For the Upper Lehigh Coal Co.
- Q. Do you know Adam Lesser?—A. Yes, sir.
- Q. How long have you known him?—A. About 25 years, as far as I can remember.
- Q. How old are you?—A. Thirty-eight.
- Q. You have known him since you were boys?—A. Yes, sir.
- Q. Where do you live?—A. Upper Lehigh.
- Q. Where does he live?—A. He lives at Upper Lehigh.
- Q. What is his occupation?—A. Mine foreman.
- Q. For what company?—A. For the Upper Lehigh Coal Co.
- Q. How long has he been so employed?—A. I can't say exactly.
- Q. Well, to your knowledge?—A. About 15 or 16 years.
- Q. Fifteen or sixteen years?—A. Yes, sir.
- Q. The Upper Lehigh Coal Co. operates mines in Butler Township?—A. Yes, sir.
- Q. And within the voting district known as the Upper Lehigh district?—A. Yes, sir.
- Q. And it employs a large number of men and boys as miners and laborers, engaged in the mining of anthracite coal there?
- Mr. DANDO. Objected to as immaterial and incompetent.
- Q. Answer that, please, Mr. Hinkle.—A. Yes, sir.
- Q. There are no other public industries or industries of any kind of any consequence in the Upper Lehigh district except this mining of coal?—A. I don't think so.
- Q. So that the entire population is entirely dependent for its livelihood upon the mines conducted by the Upper Lehigh Coal Co.?
- Mr. JONES. The same objection as heretofore given.
- A. Yes, sir.
- Q. Of which Mr. Lesser is an employee and an officer?—A. Yes, sir.
- Q. Was Lesser about the polls on election day?—A. Yes, sir.
- Q. He was there practically all day?
- Mr. JONES. Objected to; leading and immaterial and irrelevant.
- Q. He was there practically all day, was he?—A. Yes.
- Q. What was he doing there?—A. Well, he was there as a watcher.
- Q. Lesser was there as a watcher?—A. Yes, sir.
- Q. For what party was Mr. Lesser there?—A. For the Republican Party as far as I know.
- Q. The Republican Party?—A. Yes, sir.
- Q. And he was a watcher. He was a kind of a watcher to take a large number of voters to the polls—into the polling booth, wasn't he?
- Mr. DANDO. If you know.
- Mr. JONES. Objected to as leading.
- Q. Isn't that so?—A. He didn't take a very large number in.

Q. Mr. Hinkle, didn't Mr. Lesser bring men in all day, one after another, and take them right in the ballot booth and mark their ballots for them?—A. No; he didn't.

Q. But he did that a great many times, didn't he?—A. Not very many; no, sir.

Mr. JONES. Objected to this line of cross-examination, as counsel is cross-examining his own witness.

Mr. JENKINS. We ask the stenographers to make a note on the record of the fact that Adam Lesser is now present in this room, and has interrupted and interjected his remarks into these proceedings, and has now been in consultation with the contestee, which is highly improper when he is subpoenaed here for this contestant.

Mr. DANDO. Counsel for contestee says that the statement that Mr. Lesser has interrupted these proceedings is untrue, and the further statement that I was in conference with Mr. Lesser is of the same character. Mr. Lesser was an utter stranger to me until this minute, and he said that he was the Mr. Lesser referred to, and I simply reached over and asked if he was the Mr. Lesser referred to—the Lesser who was the foreman—and he answered, "Yes." If that is a consultation, let it go at that. We again object to this method of examining this witness, as the counsel has no right to cross-examine his own witness.

Q. You say that he did take a number in. How many men did he take in in the course of the day?—A. I don't know how many.

Q. About how many?—A. I wouldn't say how many. I can't say.

Q. Did he take in—about how many votes were polled there that day, if you know?—A. I think about 50.

Q. Did Mr. Lesser mark as many as half of them?—A. No, sir; he did not. I don't think he did.

Q. He marked all he wished to mark, didn't he?—A. I don't know whether he did or not.

Q. What?—A. I don't know.

Q. You know that. You were there, weren't you?—A. I certainly was; yes, sir.

Q. You were there—you were conducting the election that day, were you not?—A. Yes, sir; I certainly was.

Q. Then you knew what was going on, don't you?—A. I don't remember how many votes he marked.

Q. Didn't he take in men and mark their votes just as he chose without any interference on your part?

Mr. JONES. The question is objected to, because the witness has given a definite answer at least 10 times.

A. I don't know.

Q. Do you say you can't give any idea of the number of men that he took in?—A. I have no idea how many he took in.

Q. But he did take men in the booth, did he?—A. Yes, sir.

Q. Without any objection on the part of the election officers?—A. There was no objection that I know of.

Q. And without request on his part to take them in?—A. No; there was no request on his part.

Q. Or anybody's part?—A. Only the voters.

Q. What voter asked him to take them in?—A. I don't remember who they were.

Q. You don't remember any of them?—A. I don't remember who they were.

Cross-examination by Mr. DANDO:

Q. How long were you judge of election in that district?—A. This is my first term.

Q. And when you organized the board in the morning, and selected the clerks, the manner in which it was organized was agreeable to all the persons present, was it?—A. Yes, sir.

Q. And the minority inspector selected his own clerk, didn't he?—A. Yes, sir.

Q. And the watchers of both parties were present—the representatives of both parties were present?—A. Not in the morning.

Q. They were there during the day?—A. Yes, sir.

Q. And there was no objection raised to the organization of the board?—A. No, sir.

Q. And there was no objection raised as to the conduct of the board throughout the day?—A. No, sir.

Q. And as to Lesser, if a man came there and satisfied you of his disability under the law to properly mark and vote his ballot you permitted him to have the assistance for which he called?—A. I did.

Q. And you did that with Lesser the same as any other person?—A. Yes, sir.

Q. And you conducted that election the same as any other election?—A. Yes, sir.

Q. And Mr. Lesser, as you observed, was there that day as a worker like any other worker?—A. Yes, sir.

Q. And he behaved himself the same as the other workers?—A. Yes.

Q. And you saw no occasion for any complaint of any character there all day, did you?—A. No.

Q. He didn't attempt to interfere with the board or with the conducting of the election in any manner?—A. No, sir.

Q. Or with any voter in any way or manner?—A. No, sir; he did not.

Q. And as you recollect it, when he went in to mark a ballot for a voter, it was done at the request of the voter?—A. Yes.

Q. And he did that with the approval of yourself and your associates on the board?—A. Yes, sir.

Redirect examination by Mr. JENKINS:

Q. Mr. Lesser is your boss, isn't he?—A. In a way; yes, sir.

Q. And it would be a pretty serious matter to object to his going in with a voter?—A. I don't think so.

Q. You are quite sure that you would have the courage to tell Lesser to get out, if he didn't observe the law as you understood it?—A. I certainly would.

Q. You wouldn't hesitate a minute?—A. No; I wouldn't.

Q. How long has he been your boss?—A. About nine months.

Mr. DANDO. You should distinguish between a mining boss and a political boss.

Mr. JENKINS. I understand, Mr. Dando, very well.

Q. What was the occupation of the majority inspector?—A. He was a blacksmith.

Q. Mr. Lesser is his boss?—A. No, sir.

Q. Where does he work?—A. Upper Lehigh.

Q. I mean mining boss, not political boss?—A. I understand what you mean.

Q. Who was the minority inspector?—A. Peter Amon.

Q. What is his occupation?—A. Company miner, inside.

Q. But Lesser is his boss at the mine where he is employed?—A. No, sir; he is not his boss.

Q. Mr. Lesser is boss at the mines where he is employed?—A. No; he is not.

Q. At what mine is the minority inspector employed?—A. No. 1.

Q. Where is Lesser employed?—A. Mr. Lesser is at No. 5.

Q. Both in Upper Lehigh?—A. Both in Upper Lehigh.

Q. Both in the control of the same company?—A. Yes.

Q. And where is the majority clerk employed?—A. He is assistant stable boss over there.

Q. In what colliery?—A. The same colliery, right where I work, Upper Lehigh.

Q. Mr. Lesser is his boss, is he not?—A. No; he is not.

Q. He is not his immediate superior, is that what you mean when you say he is not his boss?—A. He has nothing at all to do with him, I don't think.

Q. The clerk works at the colliery where Mr. Lesser is boss?—A. He works at the same colliery.

Q. Where does the other clerk work?—A. Works in No. 1 slope.

Q. Works in No. 1 slope?—A. Yes, sir.

Q. That is the place where Mr. Lesser is the boss?—A. No, sir; it is not.

Q. But it is operated by the same company?—A. Yes, sir.

Q. Do you know, Mr. Hinkle, about Mr. Lesser working among these employees, telling them to vote, and how to vote, before the election was held?—A. No, sir.

Q. You never heard anything of that kind?—A. No, sir.

Q. You never heard of his going from house to house instructing the men how the company wanted them to vote?—A. No, sir.

Q. You never heard of that?—A. No, sir.

Q. Did you ever hear of his paying out money to anyone?—A. No, sir.

Q. Where did you say that blacksmith worked?—A. In a blacksmith shop at Upper Lehigh.

Q. Whose blacksmith shop is it?—A. The Upper Lehigh Coal Co.

Q. It has several blacksmith shops, hasn't it? It has several, hasn't it. With which colliery is this blacksmith shop connected?—A. Right near the stripping; he works at No. 2.

Q. You say that he doesn't have Lesser for a boss?—A. No, sir; he hasn't.

Q. But they all work for the same company, and Lesser is an officer and he is a workman?—A. Yes.

MR. DANDO. Mr. Lesser is the district committeeman up there of the Republican Party?—A. I don't know.

Q. Didn't you know he was?—A. I didn't know he was.

Q. Upper Lehigh, as Mr. Jenkins has already suggested, is a mining community altogether, isn't it?—A. Yes, sir.

Q. And in other words, the people living there, the citizens, are all employed about the mines and around the mines?—A. Yes, sir.

Q. So that of necessity all the voters and workers on either side are employed at the mines?—A. Yes, sir.

Q. The workers on the one side, as well as on the other side?—A. Yes, sir.

ADAM LESSER, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Are you the district committeeman for the Upper Lehigh district of Butler Township?—A. Yes, sir.

Q. And you have been how long?—A. Three or four years.

Q. How old are you?—A. Fifty.

Q. And you have been employed in and about the mines for how long?—A. Since I am 11 years, in and about the mines; since I have been 11 years old.

Q. And you have been a mine foreman for how many years?—A. Sixteen years.

Q. Have you been employed as a mine foreman at Upper Lehigh all that time?—A. With the exception of one year that I worked at Jeddo; the Jeddo Co.

Q. Fifteen or sixteen years, during which you have been a mine foreman, your employment has been in the Upper Lehigh district with the Upper Lehigh Coal Co.?—A. Yes, sir.

Q. The Upper Lehigh Coal Co.?—A. I have been there since I was 11 years old, at Upper Lehigh.

Q. How many employees are there of that coal company in the Upper Lehigh district of Butler Township?—A. I couldn't tell positively, but I think on the roll there are 400 or 500, inside and outside, the Upper Lehigh Coal Co. completely.

Q. Are you the highest official in Butler Township of this company, or have you a superior to whom you make reports?—A. My work lies all in Foster Township, but I live in Butler. I am boss in Foster Township of No. 5 colliery of the Upper Lehigh Coal Co., not Butler.

Q. What do your duties comprise?—A. I have charge simply of one colliery or mine, one colliery and stripping.

Q. Have you general charge of both the inside and outside workings?—A. I have general charge inside and outside.

Q. So that you are the chief officer of the colliery that you are employed in?—A. I am the chief man there. Outside of my superintendent, of course—that is, Mr. Leisenring; he is my superior officer.

Q. Who is he? He has charge of a number of collieries?—A. He is general superintendent.

Q. But, with the exception of Mr. Leisenring, who is the general superintendent of all the collieries of the Upper Lehigh Coal Co.; you have no superior to whom you make reports?—A. No.

Q. How much Republican money were you furnished with in this election to accomplish political results?—A. Well, I am the Republican district man of this East Butler district, and I received \$10.

Q. How much money did you receive altogether at the recent election, November 8, with which you accomplished political results?—A. None; only what I told you.

Q. Then you only received \$10?—A. For two watchers.

Q. Did you furnish with any part of that money a keg or kegs of beer to the voters the night before election?—A. None.

Q. None?—A. No; nothing at all.

Q. Did you furnish such liquid refreshment with your own money?—A. Nothing at all.

Q. Who did furnish the beer that the boys drank before election?—A. Indeed I don't know whether there was any there, because I don't know whether there was a dollar came into the district. I can say that we have the best poll in Luzerne County in the East Butler district—the cleanest.

Q. Mr. Lesser, you took a day off on election day, didn't you?—A. Yes, sir.

Q. You worked at the polls all day?—A. Yes, sir.

Q. And the men whose ballots you marked were practically all employees of your coal company?—A. None that work for me.

Q. I didn't ask you that. Practically all of them were employees of your coal company?—A. The Upper Lehigh Coal Co.

Q. You took them to vote and marked their ballots, didn't you?—A. Now, let me tell you—

Q. Just answer the question. You can give any explanation that you want. You took them in and marked their ballots, didn't you?—A. I didn't take no more than two men in; that is straight. One or two men that I went in with.

Q. All day?—A. All day.

Q. You did mark their ballots?—A. Those two men that I took in, I marked them. I marked them just what they told me I should mark them, understand.

Q. I understand; yes.—A. And both of these men didn't work for me. They asked me to go in and mark their ballots for them, simply because I was there; anybody would do the same thing, I think.

Q. If you didn't mark their ballots and take the men in, what was it that so busily engaged your time during the whole of the day?—A. The whole of the day?

Q. Yes; you said you were there all day?—A. I was the Republican watcher there, and I was trying to see these other voters to see that they voted. When they came there and asked me for any information I gave it to them; but I never insisted on a man voting such and such a way.

Q. But you did go in with these voters and mark their ballots, and who else went in?—A. I don't really know whether there is any man went in with other men to fix their votes.

Q. Did you not see anybody go in besides those two you went in with?—A. No; I didn't.

Q. You didn't see anybody all day?—A. No; I didn't. The voters in the Upper Lehigh district are in the main an intelligent class of voters, in the East Butler district, even you can hardly get a Hungarian to have you go in with him to mark their ballots, not even if they make a mistake.

Q. Are there many foreign voters there?—A. Probably 15 or 20 Hungarians and foreigners.

Q. You say that your work is in Foster Township?—A. Yes.

Q. Did you, in your capacity as an interested citizen, do any political work in Foster Township?—A. No, sir; not this time.

Q. None at all?—A. No, sir.

Q. Why not; you usually do, don't you?—A. Why, there is enough living in Foster Township without me.

Q. Did you take any money into Foster Township?—A. No.

Q. Political money, I mean?—A. Not a cent; I had none to give. I am a poor man and need all I have.

Q. I am not asking about what you did since then.—A. Then, I have none to give away.

Q. Did you take any money into Foster Township for political purposes that was provided?—A. No.

Q. You say No. 5 is your mines?—A. No. 5.

Q. Did you canvass the mine workers in No. 5 for the Republican ticket and tell them how you wanted them to vote on this occasion?—A. No.

Q. Did you tell them how the company wanted them to vote?—A. Why, the company don't do that.

Q. Did you make a house to house canvass of either Upper Lehigh or Foster and urge and direct men to vote for the Republican ticket in this campaign?—A. No.

Q. You did not?—A. No, sir.

Q. What did you do with the \$10 you say you received, Mr. Lesser?—A. Why, I gave \$5 and a watcher's certificate to John Wargo.

Q. John Wargo?—A. Yes.

Q. That name has a familiar sound. He is a foreigner worker through there, isn't he?—A. Yes.

Q. There are a number of Wargos there—brothers, cousins, relatives?—A. I don't believe he has any there. There may be two brothers; I am not positive of that.

Q. And he is at least there 5 years?—A. Yes; he worked with me when I was mining in the mines, about 18 years ago; he was my laborer.

Q. He was one of the men who went to Europe for a little while when the election contest was on five years ago?—A. No.

Q. The election contest in Hazel Township?—A. No.

Q. What did you do with the other \$5?—A. I have them myself. I was a watcher at the polls.

Q. Do you know a man in Upper Lehigh or in that neighborhood by the name of German Lesser?—A. Yes; my brother.

Q. What is his occupation?—A. Mines.

Q. He is employed at No. 5?—A. Yes.

Q. He was very active in the campaign last fall on behalf of the Republican ticket?—A. I don't know.

Q. Don't you know that he was?—A. No; I don't think so, because there were others there that were active. There was Brehm, the candidate for representative, he did all the political acting.

Q. I am not asking about that. I am asking about German Lesser.—A. I don't know whether he was active or not.

Q. Did he, to your knowledge, handle any substantial sum of money, any political money?—A. No, sir; he would have told me if he got some.

Q. He didn't get any money?—A. Not as I know.

Q. He didn't get any political money?—A. Not as I know.

Q. Is he here to-day?—A. No; he is working. We can't all come over here from Upper Lehigh, and I don't want you to keep me here too long, I have business over there.

Q. We will let you go presently. Did you see German Lesser's name connected with the list or mentioned in the list of those who had received money in Foster Township or Butler Township?—A. No.

Cross-examination by Mr. DANDO:

Q. You have lived in that place all your life?—A. Yes, sir.

Q. And the men you engaged that day were brought up with you?—A. Yes.

Q. And you all remained outside the polls all day talking with the voters as everybody else does at every other polling place?—A. Yes, sir.

Q. And you didn't go in unless you were called in to mark ballots?—A. Two ballots.

Q. And the judge of election permitted you to go in?—A. Yes.

Q. And you marked the ballot as the man designated?—A. Yes.

Q. And these men were not working for you?—A. No.

Q. There was no disorder at the polls that day?—A. No.

Q. There was no complaint by the Democratic watchers that day?—A. No; we have a good poll.

Q. And there has not been a complaint to this day by the people over there about the conduct of the election that day?—A. No.

Q. And everybody was satisfied?—A. Yes, sir; it was a good election.

Redirect examination by Mr. JENKINS:

Q. Nobody ever does complain about an election that the bosses conduct, do they?—A. I have voted there 16 years; I have never heard a complaint.

Q. You didn't hear a complaint in 1905, when Jake Gittinger had to fight for his office and when the persons elected were thrown out by the court of Luzerne County, did you?—A. I didn't have anything to do with it, because I have too much other business to attend to.

Q. You never heard any complaint in the election five years ago, in February, 1905—you never heard a complaint from the citizens of Upper Lehigh?—A. This Newberger and Salsburg case. I didn't know anything about that case.

Q. Don't embarrass your friends, counsel on the other side.—A. I don't know anything about that.

Q. Mr. Lesser, I am not asking you about the old, famous, notorious Salsburg-Mulhall case. I am asking about the spring election—

Mr. DANDO. Don't mention it.

Q. I am asking about the spring election of 1905, which, under the law of Pennsylvania, was held in February of each year, and directing your attention to the election in Hazle Township in which Jacob Hittinger was one of the candidates for office and in which, after being returned as defeated, he instituted an election contest and was seated in his office by the court of quarter sessions of Luzerne County. I am asking you about that election. I am asking you if you recollect that election?—A. I don't know anything about it, of course, only what I read in the papers.

Q. You know that the coal companies were concerned in that election—the coal companies here?—A. That I don't know.

Q. Do you know Manus Carlin?—A. I don't know.

Q. Don't you know Manus Carlin, from Driftton? Don't you know him as a mine boss from over there?—A. Not as a mine boss.

Q. You know that he is a boss—A. No; if it is the same Carlin I mean; I always thought he worked in the mines as a miner.

Q. You heard of that contest? That was notorious all through Hazle Township and all that region.—A. Only what I read in the paper.

Q. You heard of it?—A. Yes; in the papers.

Q. And you didn't hear of any complaint being made by the citizens up there about the activity of the mine bosses in that election, did you?

Mr. DANDO. Objected to as it is not in the case, and you know it.

Q. You didn't hear any complaints, did you?—A. Only what I read in the paper; that is all I know about it.

Q. The voters were taken into the polls in Butler and in Hazle and in Foster Township by the mine bosses and voted; and they know better than to make complaint, don't they?—O. I didn't see them.

Q. I am not asking you about a year ago. Those taken to the polls by the mine bosses know better than to make complaint, don't they?—A. I didn't do that.

Q. I didn't ask you that. But you know that those taken to the polls by mine bosses know better than to make complaints, don't they?

Mr. DANDO. How does he know what is in another's head?

A. I don't know anything about that; I didn't do that.

Q. I didn't ask whether you did or not.—A. They may do it, as far as I know, but I never seen men getting dragged to the polls by the bosses.

Q. But you know these mine bosses who do that sort of thing, when they take men to the polls and vote them in that way, the men—their employees—know better than to make a complaint, don't you?—A. That is not done in Upper Lehigh.

Q. You know that is why?—A. No, sir; elsewhere I don't know what is going on. I can't vote in Upper Lehigh and be somewhere else to see what is going on.

Q. You don't know what is going on in the community in which Upper Lehigh is a part?—A. Upper Lehigh is in Foster Township.

Q. You don't know what is going on in the community?—A. Only what I read in the papers, the Plain Speaker and the Sentinel and the Press. Sometimes I believe the things I read there and sometimes I don't.

Q. And you don't learn anything of what is going on in the community of which upper Lehigh is a part by contact with the people in that community? You only know what you read in the Hazleton papers. Is that what you want to appear on the record now?—A. No; I don't know the Record or any other newspaper.

Q. You did learn some things by contact with your neighbors, by association with the people in the community in which you live?—A. Certainly, I learn something.

Q. And have you learned by such contact with the people in the community of which Upper Lehigh is a part that people who are taken to the polls by the mine bosses know better than to make complaints about the way their votes are cast?—A. I didn't do that.

Q. I didn't ask that. I asked you if you had learned by contact with the people of the community in which Upper Lehigh is a part that people who are taken to the polls by the mine bosses know better than to make complaints about the way their votes are cast?—A. Yes; they would make complaint in Upper Lehigh to the superior officers.

Q. I didn't ask that. I asked about the community in which Upper Lehigh is a part, you say that nobody is taken to the polls by the mine bosses in Upper Lehigh?—A. No, sir.

Q. Have you learned by contact with the people of the community of which Upper Lehigh is a part that people who are taken to the polls by mine bosses know better than to make complaints about the way their votes are cast? You can answer that yes or no.—A. Yes; they know better. If I was to go and do that, and Leisenring heard that we had done that—

Q. You say they know better? Your answer is that they do know better. Do you answer that? Now, make your explanation.—A. Why, I want to make an explanation of this kind: If I were to go to work in Upper Lehigh as a mine foreman and take a man to the poll and make him vote contrary to the way he wanted to vote; if I would use my influence in my position and ask him, he certainly would make a complaint to my superior officer.

Mr. DANDO. What would happen to you?

A. Mr. Leisenring told me more than once that he didn't want me to use my position in politics, and if I did they would complain.

Mr. JENKINS. How do you know they would not make a complaint if the thing has not been done again and again?—A. I don't know that it has been done.

Q. You don't know that it has been done in this community of Upper Lehigh and Butler Township?—A. I don't know.

Q. And you never heard of it being done?—A. I heard it by hearsay, but I am not positive about the truth.

Q. I am not asking that. You have heard it from hearsay, as taking place in that community?

Mr. DANDO. This question has been repeated many times, and it is objected to for the purpose of saving time, if for no other reason. It has been repeated and answered to the best of this witness's ability.

Q. You have heard of its being done again and again in this community?—A. Not in Upper Lehigh.

Q. In the community of Foster, Upper Lehigh, and Butler Township?—A. Indeed I can't tell you positively.

Q. You have heard it?—A. Yes; but I don't know whether it is so or not.

Q. It is a matter of common repute in that community, isn't it?—A. I couldn't tell you positively that they voted in Hazleton or Freeland Borough.

Q. It is a matter of common repute in that community that that is being done, isn't it?—A. Not in Upper Lehigh.

Q. I am not asking you that.—A. I am on this stand touching Upper Lehigh.

Q. You are on that stand to answer any questions concerning any such matters as you are asked about.—A. I don't know.

Mr. JONES. You have answered him at least 10 times, and unless you want to answer him again you need not answer.

Mr. DANDO. This famous contest of which Mr. Jenkins spoke about of Jacob Gittinger's contest, your election district was not concerned at all?—A. No.

Q. You are in a separate township altogether?—A. Another township altogether.

Mr. JENKINS. Immediately adjoining?—A. Yes.

Q. And all a part of one mining community out there?—A. Yes.

Mr. DANDO. And it is a part of the United States and is in Luzerne County?—A. Yes, sir.

JOHN BEACH called on behalf of contestant and duly sworn by Commissioner Turner:

Examined by Mr. JENKINS:

Q. Where do you live?—A. Harwood, the sixth district of Hazle Township.

Q. How long have you lived there?—A. Twenty years.

Q. How old are you?—A. Fifty-six years old.

Q. What is your occupation?—A. Outside foreman.

Q. For what company?—A. For the Harwood Coal Co.

Q. How many collieries do the Harwood Coal Co. operate in the sixth district of Hazle Township?—A. One.

Q. Are there any other industries in that township other than mining coal, in that district?—A. There is the electric-light plant.

Q. How many hands are employed by the coal company of which you are the outside foreman?—A. About 440, I think.

Q. How many are employed—are there any other coal companies there?—A. No, sir.

- Q. How many are employed by this other industry?—A. The Power Co.?
- Q. Yea.—A. I couldn't tell you that.
- Q. About how many?—A. About 30.
- Q. The coal company of which you are the outside foreman is the principal industry of this company?—A. Yes, sir.
- Q. And substantially furnishes employment to the entire working population?—A. Yes, sir.
- Q. Who is the inside foreman?—A. John Panko.
- Q. This Harwood Power Co. is controlled by the coal company?—A. Yes, sir; the Harwood Electric Light Co.
- Q. They are all associated in business together, are they not?—A. I don't know about that.
- Q. You were engaged in Republican work at the last election, were you not, Mr. Beach?—A. Yes, sir; I was a volunteer watcher.
- Q. Volunteer worker?—A. Volunteer worker; yes, sir.
- Q. Who was your collaborer at the polls?—A. Do you mean watcher?
- Q. Yes.—A. Why, John McAndrew.
- Q. Didn't John Panko help you?—A. John Panko helped me. John Michles, Charles Makawalics.
- Q. How about John Panko; what about him?—A. I said he was a watcher.
- Q. You have given the names of four persons besides yourself?—A. Yes.
- Q. And the five of you were there as Republican workers on election day?—A. Yes, sir.
- Q. About what is the vote of the sixth district?—A. Anywhere from 120 to 150 to 160.
- Q. Do you remember how many were polled at the last election?—A. Something over a hundred, I think.
- Q. You were at the polls all day, weren't you?—A. No, sir; not all day.
- Q. How long were you there?—A. I was there several times; I couldn't tell you exactly.
- Q. How long was Mr. Panko there?—A. I couldn't tell when he was there.
- Q. Who handled the money that was spent there that day?—A. I don't know.
- Q. Who paid the watchers?—A. I suppose the district committeeman.
- Q. Who is he?—A. Mr. Panko.
- Q. You have said that he was inside foreman, haven't you?—A. Yes, sir.
- Q. Who took in the voters and marked their ballots?—A. I think most of them went in themselves.
- Q. Most of them went in and marked their own?—A. Yes, sir.
- Q. Who took in those that were accompanied?—A. Well, I went in with two or three; I wouldn't be sure which.
- Q. Did you hear those men ask for assistance?—A. Yes, sir.
- Q. Did they ask you?—A. Yes, sir.
- Q. Did they ask anybody else to go in with them?—A. Well, I saw quite a number of them going in with the Democratic watcher.
- Q. Did those men ask anybody other than you to go in with them?—A. Those two particular men?
- Q. Those men you took in.—A. No, sir.
- Q. Who were the men you took in?—A. Two Italians.
- Q. Who were they? What are their names?—A. Frank Saul.
- Q. He asked you to go in and mark his ballot?—A. Yes, sir; he didn't know how to fix his ballot and asked me to assist him. I asked him how he wanted it prepared and he told me, and I fixed his ballot as he said.
- Q. That is after you got in the booth?—A. He asked the judge to have me come in. That is all that was said before I got in the booth.
- Q. Didn't you say that was all that was said until you got in the booth?—A. I was going to say more. I wasn't through; I wanted to finish my sentence.
- Mr. DANDO. He don't want you to finish that.
- Mr. JENKINS. All you may finish what you desire to say. What is it? Tell what did occur.
- A. He asked one of the election board to have me go in and fix his ballot for him.
- Q. And you went in?—A. Yes, sir.
- Q. You knew this man before?—A. Yes, sir.
- Q. This Italian?—A. Yes, sir.
- Q. He is employed by that company?—A. Yes, sir.

Q. Working under your direction, don't he?—A. No, sir.

Q. Under Mr. Panko's?—A. Yes, sir.

Q. Had Mr. Panko brought him down to the polls?—A. I think he came down.

Q. Did Mr. Panko bring him down to the polls?—A. No, sir; he came in there himself, coming home from work.

Q. How many men were taken in by Mr. Panko, to your knowledge?—A. I don't know; I couldn't say.

Q. Do you know Peter Dougherty?—A. Yes, sir.

Q. Did you see him about the polls that day?—A. Yes, sir.

Q. You say you were a volunteer worker, Mr. Beach?—A. Yes, sir.

Q. You were doing what you could for Mr. Bowman?—A. No, sir.

Q. For whom were you working?—A. James and Brehm.

Q. Weren't you working for Mr. Bowman, too?—A. No, sir; not particularly.

Q. James and Brehm were on the Republican ticket?—A. Yes, sir.

Q. And you were working for the whole Republican ticket?—A. No, sir.

Q. Just working for James and Brehm?—A. James and Brehm. Do you want me to tell why I wasn't working for Mr. Bowman?

Mr. DANDO. The witness has addressed a question to you, Mr. Jenkins.

Q. By whom is Peter Dougherty employed, Mr. Beach?—A. The Harwood Coal Co.

Q. He is the under boss of John Panko?—A. John Panko is under him.

Cross-examination by Mr. DANDO:

Q. You said to Mr. Jenkins that you were not working for Mr. Bowman, and that you would tell him why if he wanted to know?—A. Yes, sir.

Q. And he didn't express any desire to know?—A. No.

Q. Tell us why.—A. Mr. Pardee came up there—that is, Calvin Pardee came up there—election day and asked me to do what I could for McLean, as he was a particular friend of his.

Q. Who might Calvin Pardee be?—A. He is vice president of the Harwood Coal Co.

Q. And pursuant to the desire of Mr. Calvin Pardee you refrained from taking any part in the congressional fight, and worked for James and Brehm? And without his speaking to you that day you would have been also for Mr. Bowman?—A. Yes.

Q. And it was at the instance of his request that you acted as you did?—A. Yes, sir.

Redirect examination by Mr. JENKINS:

Q. Then you do work at the polls, as directed by your superiors, do you?—A. Not always.

Q. Why not?—A. I tell you I worked at the polls four years ago last fall for John T. Lenahan, and we gave him a majority up there, and an honest one.

Mr. DANDO. He is a Democrat?—A. Yes.

JOHN PANKO, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Where do you live?—A. Harwood.

Q. How long have you lived there?—A. 14 years.

Q. How old are you?—A. 50.

Q. What is your occupation?—A. General mine foreman.

Q. How long have you been general mine foreman?—A. Little over five years.

Q. Were you at the polls election day in the sixth district?—A. Yes, sir; pretty near all day.

Q. Working for the Republican Party?—A. Working for my brother-in-law, Mr. James.

Q. Working for Mr. James, who was the candidate for senator in this district?—A. Yes, sir.

Q. You were working for him?—A. Yes.

Q. As a volunteer?—A. No; as a watcher.

Q. Did you handle the money?—A. Yes, sir.

Q. How much money did you get?—A. \$20.

Q. From whom did you get it?—A. From Mr. Beach.

Q. That was the last witness on the stand?—A. Yes.

Q. The last witness on the stand gave you \$20?—A. I didn't go to town for it, I asked him to bring it up.

Q. But he gave you \$20?—A. Yes, sir.

Q. Did he tell you where he got it?—A. No, sir; he got it from the district committeeman, I suppose.

Q. Did he tell you where he got it?—A. That is where we always get it.

Q. Did you give him a receipt for it?—A. To Beach; no, sir.

Q. Not to anybody?—A. No, sir.

Q. You just took the money from Beach and made use of it?—A. I gave it to the poll men.

Q. To whom did you give it?—A. To Charles Mackilevich, John McAndrew, and, I think, John Nicholas; I think John is his first name.

Q. You gave them how much?—A. \$5 apiece.

Q. And the remaining \$5 you kept for your own use?—A. Yes.

Q. Were those three men and yourself and Mr. Beach at work all day in the sixth district of Harwood?—A. Those three men and I were at the polls pretty much all day.

Q. Do you know Peter Dougherty?—A. Yes, sir.

Q. Where does he work?—A. No. 5 slope.

Q. That is the slope in which you are the boss?—A. Yes.

Q. How long has he worked there?—A. Over three years, I guess.

Q. He worked there at the last election?—A. Yes, sir.

Q. And he is employed subject to your orders?—A. Yes, sir.

Q. That is, you are his boss?—A. Yes, sir.

Q. You say that the first watcher you employed was Charles Micholavitch?—

A. Yes; Charles.

Q. What are his politics?—A. Republican.

Q. Republican?—A. Yes.

Q. The second man you gave \$5 to was McAndrew. What are his politics?—
A. He generally votes the Republican ticket.

Q. What are his party politics?—A. If they vote the Republican ticket we call them Republicans.

Q. Have you known him—how long have you known him?—A. I have known him 14 years.

Q. What has he been known as? As a Democrat?—A. Democrat before, but a Republican recently.

Q. Was McAndrew ever judge of election of Harwood, the sixth district, since you have been there?—A. I wouldn't answer that; I don't know.

Q. Don't you know that not very long ago, a few years ago, he was elected Judge of election?—A. Well, he may have been, but I wouldn't say he was.

Q. Didn't he run on the Democratic ticket for that office?—A. I can't answer.

Q. And hasn't he always been known in your community, by his neighbors and friends, as a Democrat?—A. Recently he has been voting for the Republican ticket.

Q. You gave him \$5 the last election? Prior to that employment hasn't he been known as a Democrat?—A. Recently, the last few years, he has been voting the Democratic ticket.

Q. You didn't limit your activities to election day, did you?—A. Yes.

Q. Your political activities?—A. Yes.

Q. Didn't you canvass that community for the Republican ticket?—A. No, sir.

Q. Who was it furnished the whisky that the boys had there in such large quantities?—A. Very likely it must have been the Democratic Party, as the Republicans didn't. That is the only party that I seen having the whisky there.

Q. You think the Democratic Party furnished the whisky?—A. The only men I saw with whisky was the Democratic watchers.

Q. Do you know James O'Hara?—A. Yes, sir.

Cross-examination by Mr. DANDO:

Q. Speaking of Beach bringing the money up to you, he was going to Hazleton, anyway, and as a matter of accommodation to you he brought it out—the committeeman's money?—A. I asked him to.

Q. And pursuant to your request he did, and turned over to you the \$20 which you used as you have already testified to here?—A. Yes, sir.

PETER DOUGHERTY, called and sworn on behalf of contestant, and duly sworn by Commissioner Turner:

Examined by Mr. JENKINS:

- Q. Where do you live?—A. Harwood.
 Q. What is your occupation?—A. Assistant mine foreman.
 Q. Who is who?—To whom are you assistant mine foreman?—A. Mr. Panko,
 Q. This is the witness who just left the stand?—A. Yes, sir.
 Q. What are your politics? —A. Democrat.
 Q. Were you requested by any of the district committeemen to serve as a
 watcher in the sixth district of Hazle Township in the election held November
 8, 1910?—A. Yes, sir.

- Q. You were so asked to act?—A. Yes.
 Q. Did you agree to act?—A. Yes.
 Q. Did you act?—A. No, sir.

Q. Why?—A. Why, I asked Mr. Panko the night before election to get off
 and he told me I couldn't get off on election day, and I simply acted in the
 evening when I could get off.

Q. Can you give the notice you got from Mr. Panko when you made this
 application?—A. Yes; I said to Mr. Panko the night before election, I said,
 "John, I would like to get off to-morrow; I would like to watch at the polls."
 He said, "Pete, I will be at the polls to-morrow, and in fact we can't see our
 way clear to let you off to-morrow." Certainly I understood that I couldn't
 be off. I didn't see my way clear to be off and I worked.

Q. Mr. Dougherty, didn't Mr. Panko tell you that he had received orders not
 to let you off?—A. In fact he did; yes, sir.

- Q. He told you that, didn't he?—A. Yes.

Q. Not to let you off above any man in Harwood?—A. He told me he re-
 ceived orders not to let me off.

- Q. Did you hear Mr. Panko's testimony?—A. Yes, sir.

- Q. Just now?—A. Yes.

Q. Do you know the three men he named, as named by him, as the Republi-
 can poll men who acted with him?—A. Yes, sir.

- Q. And they are all employed at the same mine?—A. Yes, sir.

Q. The same mine at which you and he are both employed?—A. At the
 colliery, a different mine.

Cross-examination by Mr. DANDO:

Q. That day your chief interest was for McKelvey in the campaign, the
 Democratic candidate for the legislature?—A. Yes, sir; McKelvey.

- Q. And you were also incidentally interested in McLean?—A. Yes, sir.

Q. And you wanted to get off to work for McKelvey and McLean?—A. No;
 in fact I wanted to work for the Democratic ticket with the exception of James.

- Q. But these two men were your specialties?—A. Yes, sir.

Q. Let me refresh your recollection. The foreman was to be off that day?—
 A. Yes.

- Q. And there were two assistants, you and Brennan?—A. Yes, sir.

Q. And didn't the foreman, Mr. Panko, say to you that he was to be off,
 that he had to be off, being the committeeman, and that it didn't look right for
 the assistants to be off also?—A. No; he didn't say no such a thing.

- Q. Didn't Brennan want to get off that day?—A. I don't know.

Q. Didn't Mr. Panko tell you that Mr. Brennan wanted to get off that
 day?—A. Not to my recollection.

Q. Didn't he tell you this: "No, Dougherty; Brennan wants to get off to
 work against McKelvey, and you want to get off to work for McKelvey, and
 I think you had both better stay here, because I have to be off myself," or
 words to that effect? Answer that yes or no. Wasn't there some such talk
 between you?—A. It seems to me that there was. That Panko did say some-
 thing to me about Brennan; now, I retract that.

- Q. Mr. Brennan was opposed to McKelvey?—A. Yes.

- Q. And you favored McKelvey?—A. Yes, sir.

Q. So he felt that he should go himself, and you two, being opposite to one
 another, he said you both should stay at work; and didn't you feel yourself
 that you should stay at work?—A. Not under the circumstances; no. I felt
 that I owed McKelvey a turn, and I felt that was an opportunity to do it for
 him.

Q. What time did you get to the polls?—A. About half past 4, when I saw
 my work was all right.

Q. You left your work?—A. Yes, sir.

Q. What time do you quit work as a rule?—A. I quit at half past 4; the colliery stops at 4.

Q. What time did you leave the mines?—A. Twenty-five minutes past 4.

Q. And you left that day at the regular time, or a little ahead?—A. I left that day when the colliery was stopped and everything was all right; about 5 minutes after 4.

Q. Mr. Panko didn't try to detain you in any way?—A. No.

Q. He knew, of course, that you were interested in McKelvey?—A. Yes, sir.

Q. And for McLean?—A. In fact he didn't say, and I couldn't say what he knew or thought about that.

Q. He knew you were working for the Democratic ticket?—A. Yes, sir.

Q. He knew that you were a Democrat out there that day?—A. I was a Democrat with the exception of Mr. James.

Q. You were there at the polls from half past 4 until the polls closed?—A. Yes.

Q. And Mr. Panko didn't interfere or detain you in any manner?—A. No, sir.

Q. He was there, interested in his own party, and you were there, interested in your own party?—A. Yes, sir.

Q. And you got along nicely together?—A. Yes, sir.

Q. He didn't try in any manner to interfere with you in any way?—A. No, sir.

Q. And he conducted himself as a law-abiding citizen out there?—A. As far as I saw; yes, sir.

Q. Mr. Brennan didn't leave the mines when you did, did he? In fact he don't vote at the same polls as you do, does he?—A. I didn't see him.

Q. Is that his voting place?—A. Yes, sir.

Q. He was as much interested on the other side as you were on your side?—A. I don't know whether he was or not.

Q. And you and he talked things over, didn't you?—A. No, sir; not at all.

Q. Was he at the polls at the time working?—A. Not that I saw.

Q. You would have seen him if he was there, as you saw Panko?—A. In fact I saw Panko, but I want to say I worked for my party, which I am satisfied to admit.

Q. And Brennan that day was interested in the other people?—A. Not to my knowledge. He was there and went out again to work.

Q. Mr. Brennan was against McKelvey?—A. Not to my knowledge.

Q. Didn't you hear it?—A. Not outside of what Mr. Panko told me.

Q. Panko didn't have Brennan working there all day, did he?—A. What do I know?

Q. You know that Brennan wasn't working at the polls, don't you?—A. Not to my knowledge.

Redirect examination by Mr. JENKINS:

Q. The Squire McKelvey you referred to in your cross-examination was the Democratic candidate for the legislature in the first legislative district of which the sixth district of Hazle Township is a part?—A. Yes, sir.

Q. That is all.

Recross-examination by Mr. JONES:

Q. You are assistant mine foreman in these mines, or one of them?—A. Yes.

Q. And you have the right to employ and discharge men as such?—A. Not the right to discharge.

Q. Have you the right to discharge?—A. To a certain extent, when justified.

Q. But you have the right to discharge?—A. Yes; with my superior's consent.

Q. Do you have to have his consent in every instance?—A. Only a case of necessity.

Q. Do you mean to say you can't discharge a man without getting the consent of your superior?—A. If I have a just cause I can.

Redirect examination by Mr. JENKINS:

Q. You mean in an emergency, when a man under your jurisdiction is not doing his work properly, you can stop him?—A. Yes, sir.

Q. You can't have his name removed from the pay roll?—A. No, sir.

Q. You can't entirely discharge him from the employment of the company?—A. No, sir.

WILLIAM EDWARDS, called on behalf of the contestant and duly sworn by Commissioner Turner:

Examined by Mr. JENKINS:

- Q. Where do you live, Beaver Brook?—A. Yes, sir; Beaver Brook.
 Q. That is in Hazle Township?—A. Yes, sir.
 Q. What district of Hazle Township?—A. The seventh.
 Q. What is your occupation?—A. Mine foreman.
 Q. How long have you been a mine foreman?—A. About 10 years.
 Q. Your age—how old are you?—A. Forty-seven.
 Q. You have charge of a number of collieries there, haven't you? You are the general foreman?—A. Yes, sir; four slopes.
 Q. And you have under your direction the foreman in charge of those four slopes, inside?—A. Yes, sir.
 Q. Inside as well as outside?—A. Yes; the inside, but nothing to do with the outside bosses at all.
 Q. But you have charge of the four slopes?—A. Yes, sir.
 Q. And all in the seventh district?—A. Yes, sir.
 Q. Who are the mine foremen you have under you?—A. That is, the assistants, you mean? Frank Conahan, Richard Evans, and Thomas Glennon.
 Q. Frank Conahan, Richard Evans, and Thomas Glennon?—A. Yes.
 Q. Where is William Roth employed?—A. Outside foreman at the same colliery.
 Q. Isn't he under you?—A. No; he is outside.
 Q. You were very active in the last campaign for the Republican ticket?—A. Not very much.
 Q. You were busy for them, weren't you?—A. No; I was not.
 Q. Didn't you, on Saturday prior to the election, become quite active in the interest of the ticket? On Friday and Saturday before election did you not get out for the ticket?—A. No.
 Q. And issued orders to your subordinates to work for it?—A. No, sir.
 Q. Frank Conahan was working for it, wasn't he?—A. No.
 Q. He was out working for the Republican ticket?—A. Frank Conahan came out about 4 o'clock to work for Mr. James—Mr. James and McKelvey.
 Q. And Conahan is a Democrat, isn't he?—A. I can't say what he is.
 Q. And James was on the Republican ticket?—A. Yes.
 Q. He was out working for the Republican ticket?—A. He worked for McKelvey and James.
 Q. Thomas Glennon was also working for the Republican ticket?—A. No; he didn't do anything.
 Q. Richard Evans was, wasn't he?—A. I don't know; he worked all day.
 Mr. DANDO: Where did he work all day?
 A. In the mines.
 Q. William Roth was out working for the Republican ticket during the election, wasn't he?—A. No, sir.
 Q. Didn't you give orders to all of those men to work for the Republican ticket?—A. No, sir.
 Q. Didn't you give orders to Thomas Glennon to go out and work for the Republican ticket, and didn't he refuse to do it?—A. No, sir; I didn't.
 Q. Do you know David Roderick, mine inspector?—A. Yes.
 Q. Did you have any talk with him Friday before the election about the election?—A. No.
 Q. Did you handle any Republican money during the campaign?—A. No; the only thing I am sorry for is that I didn't get it.

JOHN CROOKS, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

- Q. Where do you live?—A. Drifton, Hazle Township.
 Q. What is your occupation?—A. Head clerk for the Lehigh Valley Coal Co.
 Q. Who is your immediate superior?—A. W. H. Davies.
 Q. What is his position?—A. Division superintendent.
 Q. How long have you held the position of chief clerk?—A. About five years.
 Q. Were you active in the political campaign last fall?—A. Not very.
 Q. Did you receive any money?—A. \$100.
 Q. \$100?—A. Yes, sir.

- Q. From whom did you receive that?—A. Jonathan R. Davis.
 Q. Jonathan R. Davis?—A. Yes.
 Q. Did you give Jonathan R. Davis a receipt for it?—A. Yes.
 Q. Did you receive any other moneys but the \$100?—A. No, sir.
 Q. Did you receive any sum of money from Charles Guscott?—A. No.
 Q. What did you do with the \$100 that you received from Jonathan R. Davis?—A. Hired watchers.
 Q. In what district are you a voter?—A. In the eleventh, Hazle Township.
 Q. Have you any official connection with the Republican Party?—A. No.
 Q. Where did you hire watchers?—A. In the city of Hazleton and a couple in the township of Hazle.
 Q. How far is the eleventh district; how far is your residence—your voting residence—from the city of Hazleton?—A. About 7 miles, I judge.
 Q. And you came from the eleventh district, 7 miles, into the city of Hazleton to hire watchers?—A. I am here every day in the year, excepting Sunday, all day. I am employed here. I lived here previous to going to Drifton.
 Q. How many watchers did you hire in the city of Hazleton?—A. About 16.
 Q. How many did you hire in Hazle Township?—A. About four.
 Q. Give the names of the Hazleton watchers whom you employed?—A. I can't do it. I can name some of them. I wasn't particularly interested at the time, other than I had been asked by Mr. Davis to get watchers and I got them. I can give you some.
 Q. Why did he ask you to do that work?—A. I was personally acquainted with Mr. Davis.
 Q. How long have you known Mr. Davis?—A. I have been acquainted with Mr. Davis for a number of years.
 Q. And, as a matter of personal accommodation to Mr. Davis, you took up the work of getting him watchers in the city of Hazleton?—A. Yes; he asked me to do so.
 Q. And you handled Mr. Bowman's money?—A. Yes, sir.
 Q. And that was merely as an accommodation to Mr. Davis?—A. Yes.
 Q. Give the names of the watchers you got in Hazleton?—A. I can give you a few: Howard Barager.
 Q. What ward did he live in?—A. Either the third or the fourth. Really, I didn't keep no record at all.
 Q. What did you pay Howard Barager?—A. \$5.
 Q. Where did you see him?—A. I saw Howard Barager in our office here in Hazleton.
 Q. Did you send for him?—A. Yes; I asked him to come and see me.
 Q. Why did you send for him?—A. I wanted to hire him as a watcher.
 Q. Had you ever hired any watchers before?—A. No; I never handled any money before.
 Q. How did you happen to think of Howard Barager?—A. He was a personal friend of mine. Knew him for a good many years.
 Q. Had he ever been a watcher before, to your knowledge?—A. I think he did, although I don't know. I couldn't say.
 Q. Had yourself ever had any political experience in placing watchers before that time?—A. No, sir.
 Q. You never handled any political money before?—A. No, sir.
 Q. You had never been active in politics?—A. No, sir.
 Q. You sent for Howard Barager because he was a friend of yours?—A. As I told you, Mr. Davis asked me to place watchers.
 Q. And you placed as watchers rather men you knew than those you didn't know?—A. That is what I tried to.
 Q. So far as you knew, Howard Barager had no experience?—A. That I wouldn't say. I really believe that he has been employed about the polls before, although—
 Q. Did anybody suggest Howard Barager's name to you?—A. No.
 Q. What is his occupation?—A. He is assistant driller or diamond driller.
 Q. For what concern?—A. Coxe Bros. & Co., Inc.
 Q. You don't know what ward he lives in?—A. The third ward. The third or the fourth.
 Q. When did you give him the \$5?—A. At the time that I paid him the money I asked him the ward he lived in at that time.
 Q. What did you arrange with him? What did you bargain for?—A. Work for the entire Republican ticket, and Mr. Bowman in particular.
 Q. Where was he to work?—A. I told you that.

Q. In which ward?—A. The polls as a watcher.

Q. At which he voted?—A. Yes.

Q. Coxe Bros. & Co. is under the direction of your superior, Mr. Davies? Under that management?—A. It is an entire separate company.

Q. But he has supervision and jurisdiction over that?—A. Yes, sir.

Q. And you know Barager for a long time?—A. We were raised together. I knew him before either of us worked for the company.

Q. He worked for the company for a number of years?—A. Yes, sir.

Q. He is in the office with you for years?—A. Not for very many years. He was there for some time.

Q. Give us the name of the next man you employed.—A. A man by the name of Specht.

Q. What is his first name?—A. I don't know.

Q. Where did he live?—A. In the city of Hazleton, but I don't know where it was.

Q. You don't know him well enough to know his first name?—A. I wouldn't know him any more than I would know you.

Q. You didn't give me \$5?—A. If you were recommended to me I would.

Q. Who recommended him to you?—A. I don't know now. I had been out of town for some time and the people of the town had sort of grown away from me, and I asked numerous people if they knew anybody in that ward who would work about the polls, and if they said, I told them what I wanted and asked them if they could get these men, and if he said yes, I gave him the money to get this man.

Q. Mostly anybody that was recommended to you you would pay money to?—A. That is provided I knew the man who recommended him.

Q. Who was the man recommended Specht?—A. I don't remember, as I said before.

Q. You can't say that?—A. No, sir; I wasn't particularly interested.

Q. But on the recommendation of some man whose name you don't know you appointed a watcher whose first name you don't know and you paid him \$5?—A. Yes, sir.

Q. And you don't know where he worked?—A. No, sir. What do you mean? Qualify that.

Q. You didn't, you don't know where he worked on election day?—A. I knew at that time, at the time that he worked.

Q. But now it has faded from your memory?—A. I didn't expect anything like this. I didn't anticipate this. In fact it is a little late.

Q. Who was the third person who you gave money to in the city of Hazleton?—A. Ezra Williams.

Q. You know his first name. Where does he live?—A. He lives in the eighth ward of the city of Hazleton.

Q. How long has he lived in the eighth ward?—A. He has lived there as long as I know.

Q. How long have you known him?—A. Possibly 14 years.

Q. Fourteen years?—A. Possibly that.

Q. What has been his occupation and what is it now?—A. He was at one time employed as a shipper, freight shipper. From shipper he became colliery clerk; from colliery clerk, came in the general office; from there he went into the merry-go-round business. At the time I hired him as a watcher I think that he was superintendent of the work of putting up powder magazines of the Du Pont Powder Co.

Q. Then he returned to the merry-go-around business?—A. The next summer.

Q. You haven't told us where this man Specht, whose first name you don't know, where he worked?—A. I told you I didn't know.

Q. You don't know for whom he works?—A. No, sir.

Q. The others had been employees of your company?—A. Yes, sir.

Q. Do you know the father of Ezra Williams?—A. Very well.

Q. He is superintendent of the mines here, isn't he?—A. No; he is general inside foreman.

Q. General inside foreman for what?—A. The collieries of the Lehigh Valley Coal Co.

Q. He lives here in the city of Hazleton, does he not?—A. Yes, sir.

Q. In what ward does he live?—In the eighth ward.

Q. It was his son you employed here as a watcher on election day?—A. Yes, sir.

Q. Did you give Ezra Williams any directions or instructions?—A. The same as the others.

Q. Just what were those instructions?—A. To work for the Republican ticket and Mr. Bowman in particular.

Q. What work was he to do?—A. He was hired as a watcher.

Q. What work was he to do?—A. Get out the votes.

Q. That is what you understand as the work as a watcher?—A. That is what he was supposed to do.

Q. That is what you told him to do? That is what he was instructed to do?—A. Yea.

Q. Did you limit his activities to any part of the city of Hazleton?—A. I really didn't tell him he couldn't go in the seventh ward.

Q. Did you tell him, he was to go in the eighth ward?—A. Yea.

Q. To whom did you give the next money?—A. To Jacob Williams.

Q. Was he related to Ezra?—A. No. I don't know. In fact I am not sure.

Q. How long have you known him?—A. Possibly 14 or 15 years.

Q. Where has he lived during the time that you have known him?—A. Hazleton.

Q. What is his occupation?—A. I couldn't tell you what his occupation is.

Q. What have you known him to be employed at?—A. He was employed at Cranberry. He was timekeeper at one time.

Q. He has some official position with the coal company?—A. I don't know; he was timekeeper when I knew him. Since then he has been in their office at Hazleton or sent back to Cranberry, but I don't know what he is doing.

Q. Do you know him pretty well?—A. No, sir.

Q. And you don't know what he is doing?—A. No; I don't live in Hazleton.

Q. He is a colliery clerk and has been for years, hasn't he?—A. I don't know.

Q. How much money did you pay him?—A. \$5.

Q. Where was he working?—A. In the eleventh ward.

Q. Who is the next one?—A. I think you have pretty nearly got me. I didn't make any record.

Q. Are you unable to tell any more?—A. No; I really don't remember.

Q. Of the 16 you can't recall one more?—A. No.

Q. You have paid out \$80 in \$5 items to 12 men and can't call one of them. Is that what you want to go on the record?—A. I think I told you that I didn't keep any record and didn't expect this.

Q. I know you told us that.—A. Off hand I can't tell you.

Q. You want to go on the record that of the 16 men you say you hired in the city of Hazleton as watchers in the election of 1910 you can only name 4 of them now?—A. If I could remember them I would surely tell you. Understand I was not acquainted with the biggest part of these men.

Q. You have named four.—A. I think so.

Q. And all of the remaining 12 received \$5 each from you? You were not acquainted with the majority of them?—A. No; I was not acquainted with the majority of them.

Q. Then the \$100 was not placed in your hands to enable you to select the men who were to effectively work for Mr. Bowman in the campaign, was it?—A. Yes.

Q. Did you?—A. I think that I did.

Q. You think you selected men who effectively worked for Mr. Bowman in the campaign, although you were not acquainted with the majority of the men you selected?—A. Yes.

Q. What ground have you for assuming that these men you didn't know were effective workers for Mr. Bowman in the campaign or that they would be when you appointed them?—A. Well, that was the case before, but afterwards the results showed pretty well. It was a guess at the time.

Q. You appointed these 8 or 10 men whose names you didn't know on a guess, did you?—A. On the recommendation of some others who were familiar with the work.

Q. Didn't you say it was a guess beforehand? Didn't you say that?—A. I couldn't tell personally whether these men were going to be effective workers or not.

Q. You have just testified that it was a guess in the first instance when you appointed them?—A. It certainly was. It certainly was not a certainty that they were going to be able to deliver the goods.

Mr. DANDO. Tell me something about politics that isn't a guess.

Q. You did, then, appoint them on a guess?—A. I told you on the recommendation of people who should know.

Q. Who were those people?—A. Different people told me.

Q. Name some of them.—A. Well, I don't know as I could now. I asked a number of people. I asked Charlie Guscott about some of them.

Q. Charlie Guscott is district chairman of this district?—A. Yes; I think so.

Q. You are pretty well acquainted with Charlie Guscott, are you?—A. I know him, certainly. I have lived here, and I understand he has lived here for 25 years.

Q. How old are you?—A. I am 32 years old.

Q. You didn't know Charlie Guscott when you were 7 years old?—A. No; or I haven't been away from here for 25 years.

Q. How many did Charlie Guscott recommend?—A. He recommended a number of them. I couldn't tell you how many he recommended.

Q. Who else recommended some of those men?—A. Now, I don't remember. I got this money and the request very close to election day.

Q. Very close?—A. Yes.

Q. What date?—A. I should judge a day or so before election.

Q. And so you really had to hustle to get 16 men in the city of Hazleton within a day or so of election?—A. Yes, sir.

Q. Especially men who could effectively work for Mr. Bowman?—A. Yes, sir.

Q. And you did hustle?—A. I tried to place them all, and some of them I placed on the day of election.

Q. When did you pay out this \$60 for these dozen men, whose names you say you can't remember?—A. Some on election day and some afterwards.

Q. You didn't pay it out before election, then?—A. Some I gave to people who recommended these men to give to these men, but I don't know whether they gave it before or after election.

Q. Then, you did not see personally to the placing of the money you were entrusted with?—A. Personally handing it to the men?

Q. Yes.—A. No.

Q. You didn't do that? You say you sent some? Did you send any through the mail?—A. No.

Q. You didn't use a check in any instance?—A. No; I didn't use a check; no.

Q. You use checks in your private business?—A. This \$100 was handed to me in cash and I never banked it; I never banked the money at all.

Q. Have you given all the names you can of the parties in the city of Hazleton to whom any portion of this \$100 was paid?—A. No; I know of one man, a man named Dyce.

Q. What is his first name?—A. I don't know, but I think it is Adam Dyce.

Q. How long have you known Adam Dyce, if his first name is Adam?—A. Do you mean to know him to see him or personally? I wouldn't say that I knew Adam Dyce personally, although I knew him to see him.

Q. You didn't know anything about Dyce?—A. No.

Q. You didn't know whether he could effectively work for Mr. Bowman or not?—A. No.

Q. Who recommended him?—A. Will Kemp.

Q. Was Will Kemp interested in the election?—A. Not that I know of.

Q. And he told you that Adam Dyce would be a good man to work for Mr. Bowman?—A. Yes, sir.

Q. Where was Adam working?—A. I don't know.

Q. Had you stipulated for any particular ward for Adam?—A. Yes, sir; I did at that time.

Q. Are you sure of that?—A. Of course I am sure of that.

Q. You have spoken of \$5 you paid these men; were there any men in the city of Hazleton to whom you paid sums of money exceeding \$5 in amount? Some men can work more effectively than the others?

Mr. DANDO. Don't coach the witness.

A. I don't recall that.

Q. Did you pay any \$10 amounts?—A. Yes, sir; I did pay one \$10 amount.

Q. Now, you will remember the names of these persons. To whom did you pay so much as \$10?—A. I don't recall.

Q. You don't recall any of these?—A. I said one.

Q. In one instance you paid \$10?—A. Yes.

Q. But you don't remember the amount?—A. I said \$10.

Q. I mean you don't remember the name?—A. No.

Q. You don't know the locality in which this valuable man was to work?—A. No, sir.

Q. You don't know what he was to do?—A. He was to work for the Republican ticket, and Mr. Bowman in particular.

Q. Just the same as the others?—A. Yes, sir.

Q. Why did you pay him twice as much?—A. He said he wanted \$10; that is, the day after the election.

Q. You paid him, then, what he wanted?—A. I did in this case; yes.

Q. Did you in other cases?—A. No, sir.

Q. In no other case?—A. No, sir.

Q. Why did you make an exception in this case?—A. The man came around and I handed him \$5. He said he was accustomed to get \$10 whenever he worked around the polls. I said I didn't expect to pay you \$10; he said, \$10 is my price.

Q. So you paid him?—A. Yes.

Q. But you can't remember who this man was whose price was double what the others were?—A. No.

Q. You can't remember that?—A. Not now.

Q. Did you pay anybody else more than \$5?—A. No.

Q. How many men did you employ—you said you employed four in Hazle Township?—A. Yes; I think it was four, but I am not sure.

Q. Did you furnish any money yourself other than the \$100?—A. No.

Q. If you paid \$10 to one man, you were not able to employ 15 more out of the \$100?—A. I say I think it was four; but I wouldn't swear positively, as I was not particularly interested, as I said before.

Q. You have exhausted your recollection of Hazleton with these four men and the \$10 man you don't recollect. Now, tell us whom you employed in Hazle Township.—A. I don't recall. There were four foreigners, I think.

Q. Four foreigners?—A. Yes. No; I will take that back. I don't think they were in Hazle Township. I think that was divided between Hazle and Foster Townships. I think that was it.

Q. Can you give me the name of one of them?—A. No; I can't.

Q. Nor tell me where they worked?—A. I think the four men worked at Drifton colliery.

Q. No; where they worked on election day?—A. A portion in Foster and a portion in Hazle.

Q. And this was an additional sum of money to that sent out through the regular channels to employ men in those places?—A. I presume it was.

Q. And this was an additional sum of money to that brought in through the regular political channels to man the polls in Hazleton, wasn't it?—A. I presume it was. I was not familiar with the Republican channels.

Q. Your attention has been directed for some time, hasn't it, to the fact that the men who were in the last campaign receiving money from Jonathan R. Davis were being brought in before the congressional commission to account for the application of these moneys?—A. I read in the newspapers about it.

Q. You read, for several weeks, the account of this congressional inquiry?—A. Not a great deal about it. We didn't have so much of it down here, you know.

Q. You knew it was on?—A. That it was taking place; yes, sir.

Q. And you have been subpoenaed for several days?—A. About four days.

Q. Four or five days ago you were subpoenaed to appear before this commission to-day; that is true?—A. Yes.

Q. Have you made any preparation or any effort to find out or to furnish the information that has been called for here this morning? To prepare yourself to furnish it?—A. I have given you that to the best of my knowledge. Really I didn't have any interest in the thing at the time, other than Mr. Davis's request for me to do that work and I did it, and that is all there was to it, and I gave him my receipt for it. James Wright I happened to think of.

Q. Where does he live?—A. In Hazleton.

Q. Where does he live?—A. I believe in the ninth ward. It is either the ninth or the tenth ward.

Q. You gave him how much?—A. \$5.

Q. What is his occupation?—A. I think that he is an agent for a milling house. I think he sells flour and feed.

Q. Now, you have testified that for a number of years you have lived out of Hazleton?—A. Yes; about five or six years.

Q. And you have explained your inability to furnish all the names that you selected, on your own initiative, competent and efficient men, on the ground that your acquaintance has diminished considerably?—A. And, as far as politics were concerned, I was never interested in politics.

Q. You are no politician at all?—A. No; I don't lay claim to it.

Q. You don't claim that?—A. No, sir; I am not a politician.

Q. Don't you think it a little remarkable that Mr. Davis should come to you and ask you to render such service in a community—in the handling of \$100—in a community in which you didn't live, and in which your political acquaintance was extremely limited?—A. Possibly Mr. Davis might have made a mistake; but he asked me to do it, and I did it.

Q. But don't you think that it is a little remarkable that such a request should come to you from Mr. Davis as a man that has had such experience in politics as Mr. Davis?—A. Well, I was naturally surprised that Mr. Davis should come to me, other than our personal friendship, but he said he wanted me to do it.

Q. But it surprised you?—A. Yes, naturally.

Q. It naturally surprised you?—A. Yes, sir.

Q. Did you demur to the taking of that \$100?—A. I said I did not know that I could do the work he requested me to do, but he said to do the best I could.

Q. Did you say that offhand or did it require some urging?—A. It didn't require any urging.

Q. Has your acquaintance with him been of such intimacy as to prompt you to be obliging to him in such things as he would ask?—A. I know Mr. Davis well, and like him. I think he is a very nice man.

Q. But, when you were having this conference with Mr. Davis, you told him, of course, of your lack of acquaintance and your inability to get these men?—A. As I said before, I told him that I didn't know that I would be able to do the work that he would require for this money.

Q. Did he furnish you any suggestions at the time that your inexperience would be supplemented?—A. He told me to go ahead and do the best I could.

Q. He told you to go ahead and do the best you could?—A. Yes.

Q. And you—when you got the money you found yourself in touch with Guscott as to the selection of these men?—A. No; I wouldn't say that.

Q. You said you were in touch with him?—A. I said that I got some suggestions from Mr. Guscott.

Q. How did you get into communication with Mr. Guscott?—A. I happened to meet him on the street, through no prearranged meeting.

Q. Did you know what Guscott was? How did you know that it would help you to take the matter up with him?—A. I knew that Charlie Guscott kept pretty close to political situations throughout the district.

Q. And having \$100 to dispose of you thought he would be a good man to advise you?—A. It wasn't a question of \$100. I simply wanted to know about the watchers. I didn't tell him that I had \$100.

Q. How did he come to suggest the men?—A. I asked him if he knew the names of the men in the different wards that were identified with the party and with politics.

Q. You asked him that? What did he say?—A. I think he asked me what I wanted them for—simply wanted to get next to a few; I think that is the gist of the conversation.

Q. Did you tell him that you had a pretty substantial sum of money?—A. I told you that I didn't tell him that I had \$100.

Q. Did you tell him that you had money to spend?—A. No, sir; I didn't tell him that I had any money.

Cross-examination by Mr. JONES:

Q. In each of the instances where you paid out money you did so upon the recommendation of someone who vouched for the worker as a good man at the polls, to help to get out the vote?—A. Yes, sir.

Q. And each time that you paid out the money you did it for that purpose, and for that purpose alone?—A. Yes.

Q. You employed no mine bosses?—A. No, sir.

Q. Nor bosses of any kind?—A. No, sir.

Q. And you were at work all day?—A. Yes.

Q. You didn't go near the polls, except to vote?—A. Except when I went to vote, and I was there possibly five minutes.

WILLIAM H. DAVIES called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Where do you live?—A. In the city of Hazleton.

Q. How old are you?—A. Forty-eight years old.

Q. What is your occupation?—A. Division superintendent of the Lehigh Valley Coal Co., and superintendent of Coxe Bros. (Inc.).

Q. Coxe Bros. operations are under the control of the Lehigh Valley Coal Co.?—A. As far as we know. Just as I tell you it is the Lehigh Valley Coal Co. and Coxe Bros. (Inc.).

Q. You say you are the division superintendent?—A. Yes.

Q. What does your territory comprise?—A. It covers part of Luzerne, Schuylkill, and Carbon Counties.

Q. What does it embrace in the county of Luzerne?—A. The townships do you mean?

Q. The territory first.—A. It embraces Black Creek Township, Hazle Township, Foster Township, more or less of the city of Hazleton, but I don't know the number of the districts—Jeanesville, that part of Jeanesville in Luzerne County.

Q. Part of Jeanesville is in Luzerne County and part is in Carbon?—A. Yes, sir.

Q. Mr. Davies, what is the number of collieries and operations that your territory embrace within Luzerne County?—A. Six collieries.

Q. Six collieries?—A. Yes.

Q. Where are they located?—A. One at Drifton, one at Eckley, two in Hazleton, and one in Jeanesville, and I guess that would be all that would be considered collieries, the others are stripping operations, tributaries, which were at one time collieries. We have only five collieries proper.

Q. Who is your immediate superior, Mr. Davies?—A. Mr. S. D. Warriner, of Wilkes-Barre.

Q. Is Mr. A. W. Drake a subordinate to you in official position?—A. He is a friend of a mine, that is all.

Q. Isn't he employed in the same mine?—A. No, sir.

Q. Who are your immediate subordinates?—A. Where?

Q. In those five collieries you have named?—A. Mr. John Rowland, outside district superintendent, Thomas R. Jones, inside superintendent.

Q. Designate the collieries.—A. Their districts cover the district.

Q. Indicate the jurisdiction of the individuals you have named?—A. Mr. John Rowlands covers the entire outside work as district superintendent.

Q. For the same district of which you are the superintendent?—A. Yes; Thomas R. Jones covers everything on the inside for Coxe Bros. & Co., and Mr. A. H Lewis is district superintendent for the Lehigh Valley Coal Co.

Q. These men you have mentioned have subordinate to them various mine foremen; outside foremen, fire bosses, breaker bosses, and other officers?—A. Yes, sir.

Q. Mr. Davies, did you take an active interest in the last election?—A. I don't understand what you mean by an active interest. As a citizen I went to vote, of course.

Q. Did you limit your activities as a citizen?—A. Well, it may be fairly said, yes, with the exception that in my travels here and there, I might, by greeting a friend of mine, have talked the subject over, that is all; I take no particular interest in the game.

Q. Didn't you take a very active interest in the candidacy of Mr. Bowman for the office of Congress in this district?—A. Not that you would notice it; no. I was favorable to Mr. Bowman as a Republican, sure.

Q. The people that you were in daily contact with—

A. I wouldn't be able to answer for them. They would have to answer for themselves.

Q. Did you take any active part that might be observed?—A. I think that I have answered that question; no sir; not in the sense you put it; no.

Q. What sense would you attribute to that question than ordinary sense of taking an active part in the campaign?—A. To the extent of giving a great deal of your attention to the work; that is the way I would understand that.

Q. Then let us be a little more specific. Did you direct any men in the employ of the companies of which you are district superintendent to go out and work for Mr. C. C. Bowman or the Republican ticket?—A. Not being in politics, I would not consider that I had any right to do that; no.

Q. If you were in politics would you consider it?—A. If I were in politics I would direct anybody that I felt that I could in the work.

Q. And would you feel that you could direct employees of your company, of which you are superintendent?—A. I don't say so.

Q. I know you don't. I am asking you now?—A. No; I wouldn't consider that.

Q. Do you know William Carlin?—A. William who?

Q. William Carlin?—A. Where from?

Q. A breaker boss. William Carlin, a breaker boss. Don't you know a man by the name of Carlin?—A. I know a William Carlin.

Q. William Carlin, breaker boss at Drifton?—A. He is assistant at Drifton. I don't know whether he is assistant breaker boss or whether he is a laborer. I know there is such a man there.

Q. And he is in the employ of your company?—A. In the employ of Coxe Bros. & Co.

Q. Of which you are district superintendent?—A. Of which I am district superintendent.

Q. Now, you know William Carlin?—A. Yes, sir.

Q. How long have you known William Carlin?—A. A few years.

Q. During all the time that you have known him he has been in the employ of your company?—A. I would judge he has.

Q. Your work, Mr. Davies, takes you about to these different collieries; from time to time brings you in personal contact with you subordinate officers who are bosses in charge of the different departments?—A. Not necessarily.

Q. But does it in fact?—A. I may meet with some of these men sometimes, but I don't as a regular thing. I meet the foreman on the job when I go there, but by accident I may meet with some of the other fellows.

Q. You get to know the subordinates, don't you?—A. I get to know all the men, so far as that is concerned.

Q. You have known this William Carlin, who you say is around the breaker for several years?—A. I would say for two or three years.

Q. Do you recall a conversation you had with him in the city of Hazleton on the 5th of November last, that is, the Saturday before election?—A. I don't recall that.

Q. Let me refresh your recollection a little more specifically: Did you meet William Carlin on Broad or Loural Streets in this city on Saturday, November 5, 1910?—A. I may have met him.

Q. Did you engage him in conversation at that corner on the evening of that day?—A. I would be liable to talk to him anywhere I met him.

Q. I am asking you if you did. Did you engage him in conversation—not what you would be liable to? But did you thus engage him?—A. I said that I had no recollection of meeting him, but if I met him anywhere I would talk to him.

Q. You say now that you don't recall?—A. Not that particular occasion; no.

Q. I will refresh your recollection further. Did you, in such conversation, in a conversation with him that evening or about that time immediately before election, tell Mr. Carlin that he was to come out and work for the Republican ticket?—A. I have no recollection of doing that.

Q. Will you say that you didn't do that within a few days of election?—A. To the best of my knowledge and belief, I will say that I didn't do it.

Q. To be more specific: Did you tell Carlin that he would be expected to deliver the goods for Bowman in particular at Drifton?—A. No; I have no recollection of telling him that; no, sir.

Q. You say as a citizen you interested yourself in Mr. Bowman's candidacy?—A. I have answered that.

Q. You did say that, did you?—A. Yes.

Q. And you talked with your acquaintances in favor of his candidacy during the campaign?—A. I have talked with some, yes, sir; I would have a perfect right to.

Q. I am not questioning your right at all.—A. The only question is why the question should be repeated.

Q. I shall have to be the judge of that. In thus talking to your acquaintances concerning the candidacy of Mr. Bowman, you did talk to mine foremen about his campaign and your interest in it?—A. No, I did not.

No cross-examination.

Adjourned until 1.15 p. m.

Now, March 21, 1911, hearing resumed at 1 p. m., in police court room, city hall, Hazleton, Pa., pursuant to adjournment of forenoon session.

Appearances: George R. McLean contestant, (in person); John T. Leaham, Esq.; A. C. Campbell, Esq., contestant's counsel; John E. Jenkins, Esq.; Arthur L. Turner, Esq., contestant's commissioner; Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., contestee's commissioner.

DAVID RODERICK called on behalf of contestant, and duly sworn by Commissioner Turner.

Examined by Mr. CAMPBELL:

Q. Where do you live?—A. Hazleton.

Q. What is your business?—A. Mine inspector.

Q. In what district?—A. No. 11.

Q. How many collieries have you under your jurisdiction that are in Luzerne County?—A. Twenty.

Q. How many adult employees have you?—A. About 12,000. Let me see. That includes the stripping, the stripping operations as well; but in the actual mining of coal, about 10,000.

Q. About 10,000 which are engaged in stripping, which is an incident to mining?—A. Yes, sir.

Q. You have general charge of that under the department of mines of the State of Pennsylvania?—A. Yes, sir.

Q. Who is the head of the department of mines of the State of Pennsylvania?—A. James E. Roderick.

Q. What relation, if any, is he to you?—A. He is an uncle.

Q. You were much interested in the candidacy of Senator James for state senator at the last election in November?—A. I was.

Q. In fact he was charged by the opposition as being the candidate of your uncle, James E. Roderick?—A. I don't know anything about.

Q. Didn't you see it in the press, in the papers, that were opposing his election?—A. Why, certainly.

Q. Then you do know something about it, to the effect that he was charged?—A. I don't take no stock what I see in the papers.

Q. He was charged with being the candidate of your uncle, James E. Roderick?—A. I seen that in the papers.

Q. And it was generally discussed in the district in which he ran; that is, this district?—A. Well, I don't know about that.

Q. You don't know? You read the papers every day?—A. Yes, sir.

Q. Did you see it at all?—A. Sometimes.

Q. And you saw this accusation against Senator James, as being the candidate of your uncle? Wasn't that one of the campaign arguments?—A. Yes, I think so.

Q. You were interested in the candidacy of Senator James?—A. Is this the contest of Senator James?

Q. Answer the question.—A. No; I want to know if this contest is Senator James's—

Mr. JONES. Of course, you don't have to answer it unless you wish to.

A. I don't see that it has any bearing here.

Mr. JONES. Then don't answer it.

Mr. CAMPBELL. I will put the question to you again. Were you interested in the candidacy of Senator James, Republican candidate for state senator at the election in November?—A. Yes, sir.

Q. What are your politics?—A. Republican.

Q. And you were interested in the Republican candidates?—A. Yes, sir.

Q. To do all you could do on behalf of Senator James?—A. Yes, sir.

Q. You did all you could in behalf of C. C. Bowman, the Republican candidate for Congressman?—A. Yes

Q. You asserted every influence that you could?—A. Well, I don't know about that.

Q. You solicited all your friends that you could?—A. I certainly got a vote for him where I could.

Q. During the campaign you spoke to many people on behalf of Senator James and the Republican Party?—A. Yes, sir.

Q. And among them were some mine foremen?—A. There might have been.

Q. Tell what mine foremen you spoke to about this?—A. Well, I don't know that I can tell you.

- Q. Can you give me the name of one?—A. No, sir.
 Q. And yet you spoke to them?—A. I haven't idea that I spoke to them.
 Q. And you asked for their assistance?—A. I asked for their vote, if I saw them.
 Q. For whom?—A. For the Republican Party.
 Q. Irrespective of their politics, whether they were Democrats or Republicans?—A. No; I asked Republicans.
 Q. You confined your solicitation to Republicans?—A. Yes.
 Q. Why did you ask the Republican foreman to vote the Republican ticket?—A. I didn't only ask the Republican foreman, but I asked everybody else.
 Q. Why should you ask a Republican foreman to vote the Republican ticket?—A. Just the same as I would ask anybody else to vote the Republican ticket.
 Q. Did you know any Republican foreman kicking the traces and opposing Senator James?—A. No; I did not.
 Q. Then, you merely considered the mine foreman the same as any citizen you knew?—A. Yes, sir; the same as an individual.
 Q. How many mine foremen did you speak to?—A. I couldn't tell you.
 Q. Isn't it a fact that you were deeply interested in the success of the Republican ticket because of attack upon your uncle, James Roderick?—A. Not necessarily.
 Q. Were you or were you not?—A. I am always interested in the Republican ticket, no matter who is on the ticket, or no matter who it hurts.
 Q. And you do everything you can for the success of the party?—A. Yes, sir.
 Q. And it is the general practice for you to do all you can for the success of the Republican Party in this "neck of the woods"?—A. Anywhere I can; not only in this neck.
 Q. And you asserted every influence you could?—A. No; only with my personal friends. I didn't exercise any influence, only friendship.
 Q. What is your personal friendship? What did you say to the various people you interceded with? What did you say?—A. If you can see your way clear to vote for so and so I wish you would do so.
 Q. Did you run across anybody who couldn't see their way clear to vote for so and so?—A. Not very many; I can't recollect anybody.
 Q. Did you run across anyone?—A. No, sir.
 Q. How much money did you use?—A. None.
 Q. How much did you spend?—A. None.
 Q. How much did you contribute?—A. None.
 Q. You didn't spend 1 cent on behalf of Senator James in this district?—A. I didn't.
 Q. Or cause a cent to be expended by you in his behalf?—A. No.
 Q. Funds were solicited for James's assistance, were they not?—A. I don't know.
 Q. Didn't you hear of it?—A. No.
 Q. Didn't you hear of contributions being made to his campaign?—A. No, sir.
 Q. Nobody asked you?—A. Nobody asked me to make any contribution.
 Q. No; not you. But in this community weren't there contributions being made?—A. I don't know.
 Q. You never heard of it?—A. No, sir.
 Q. How many mine foremen, outside and inside, are there at the collieries in your jurisdiction?—A. Well, I would have to find that out.
 Q. Well, approximately?—A. About 100.
 Q. And at these collieries they have inside and outside foremen?—A. Not at every mine they don't have outside foremen.
 Q. The outside foremen employ the men employed above ground?—A. As a rule, but there are cases where they have other people that employ the men for the collieries, but as a rule the inside and the outside foremen employ them; that is the outside foreman hires those that work outside and the inside foreman employs those that work inside.
 Q. The inside foreman employs the inside men; by this I mean the men in the mine?—A. Yes.
 Q. Now, in this town of Drifton what are the collieries under your jurisdiction, there are several aren't there?—A. Yes.
 Q. Is there any other industry in that town beside that?—A. Yes; there is a shop there, but that doesn't come under me.
 Q. To whom do all the buildings in the town of Drifton belong, if you know, or if you have heard?—A. Well, that is a question now, whether they belong to the Lehigh Valley Coal Co. or to Coxe Bros. (Inc.)

Q. The point that I want to make is that there is no individual in that community who owns his house?—A. I don't think there are.

Q. They all belong to the Lehigh Valley Coal Co. or Coxe Bros. & Co.?—A. That is what I understand so far as I know.

Q. Of course I am not quibbling over it. That is a fact?—A. There may be some. There are a lot of private residences there and they don't belong to Coxes.

Q. I am speaking of the employees.—A. I think the employees are tenanted in houses owned by the company.

Q. And it is a fact that in the leases they have for these premises there is a provision that as soon as they leave the employ of the company they have to vacate those houses?—A. I don't know.

Q. Did you hear of it?—A. No, sir.

Q. You never heard of it?—A. No.

Q. Name another community in which you have a colliery under your jurisdiction.—A. Upper Lehigh.

Q. What industry, aside from the coal industry, is there?—A. Nothing.

Q. Is there any other mine than that—what company is that operated by?—A. The Upper Lehigh Coal Co.

Q. To whom else in that community do the mines belong to?—A. I suppose the Upper Lehigh Coal Co.

Q. Name another colliery.—A. Sandy Run.

Q. Is there any other industry there besides this mine?—A. No.

Q. To whom do the houses belong that are occupied by the employees there?—A. Either by the Sandy Run Coal Co. or by the land company. I can't say which.

Q. Name another colliery.—A. Beaver Brook.

Q. Are there any other industries in that town?—A. I don't think so.

Q. It is exclusively a mining village?—A. Yes, sir.

Q. To whom do the houses occupied by the tenants belong?—A. C. M. Dodson & Co.

Q. They are the operators of the collieries there?—A. Yes.

Q. Name another village.—A. Cranberry.

Q. Any other industry there except this mine?—A. No, sir.

Q. To whom do the houses occupied by the employees belong?—A. They belong to the coal company, I suppose, or to the Cranberry Improvement Co. Let me explain the situation. You know you can't tell whether or not those houses belong that leases to the operators—what I mean is, you can't tell if they belong to the land company that leases to the operators, or they belong to the operators. I want to qualify that statement. As far as I know they belong to the coal company.

Q. We have had Cranberry. Is there any other industry there?—A. Yes; there is a large industry there. It is the Harwood Electric Light & Power Co.

Q. Controlled practically by the Harwood Coal Co.?—A. That is something I can't tell.

Q. To whom do the houses belong there?—A. I think the Harwood Coal Co. Certainly I don't know if it is the same people that are in the light company that are in the coal business.

Q. Give me the name of another colliery.—A. Derringer.

Q. Is there any other industry aside from the coal?—A. No, sir.

Q. To whom do they belong?—A. I think to the Lattimer Coal Co., possibly to Coxe Bros. & Co.

Q. Name another.—A. Tomhicken.

Q. Any industry there aside from coal?—A. No.

Q. To whom do the houses belong there?—A. To the same people, I guess.

Q. To the Coal Co.?—A. To the Coal Co.

Q. Name another.—A. Let me see, Milnesville. How many have I named?

Q. I don't know; I haven't kept count. Please don't go over them again.—A. There is Milnesville. There is no breaker. The coal from Milnesville is taken over to Lattimer. There is Hazle Mountain. No industries there except coal, and they haven't got any houses there.

Q. How about Milnesville?—A. There are several houses there.

Q. Are they owned by the tenants?—A. I think they belong to the Lattimer Coal Co.—Pardee Bros. & Co.

Q. Name another, please.—A. I think you have got them all, with the exception of Hazleton City, you know.

Q. We will come to that later. Get the villages first.—A. Did I give Hazlebrook?

Q. No. Is there any other industry there besides coal mining?—A. Not any more than the machine shops that belong to the coal company.

Q. Are the houses that the employees live in belonging to the coal company?—A. I presume so.

Q. Now, you say you have some collieries in the city of Hazleton?—A. Yes.

Q. How many in the city of Hazleton?—A. Two.

Q. What are they?—A. What are the names?

Q. Yea.—A. Hazleton No. 1. Hazleton shaft. I have omitted one place that comes to my recollection. That is in Carbon County.

Q. I am speaking of those in Luzerne County.—A. Yorktown is in my district. There is Spring Mountain, which is better known as Jeanesville. That is in Luzerne County.

Q. To whom do the houses belong?—A. To the coal company.

Q. In all those villages the houses occupied by the employees belong to the coal company?—A. They belong to the coal company or the land company.

Q. And when they belong to the land company they lease to the coal company, and it is a holding company for the coal company?—A. Yes, sir.

Q. How long have you lived in this community?—A. Nearly 21 years.

Q. In the city of Hazleton all the time?—A. I have been living in the city of Hazleton about 10 years.

Q. Where did you live before that?—A. In Milnesville.

Q. That is in this county?—A. Yes, sir.

Q. Where did you live before that?—A. In Stockton.

Q. Through what source are the rents collected—through what office are the rents collected?—A. What rents?

Q. The rents of the different houses in which the employees of the company work which are under your jurisdiction.—A. As far as I know, through the coal company's office.

Q. That is, they come into the main office of the city of Hazleton?—A. What do you mean by that?

Q. By that I mean to say that the pay rolls are made up in the city of Hazleton.—A. No, sir; each one is made up at the colliery.

Q. When you say that it is collected through that office you mean the amount of rent which is deducted from the employees' wages for the month. Is that what you mean?—A. That is what I mean, but I don't know if such is the case.

Q. In your own experience how was it?—A. My experience was that it was generally collected from the employees.

Q. Through the office?—A. Through the office; yes, sir.

Q. From the employees' wages?—A. From the earnings of the employees.

Q. In the same way a man's store bill is deducted?—A. Well, I don't know whether that has anything to do with this.

Mr. JONES. Do you know?—A. Certainly it is collected that way as far as I know, but I don't know their business.

Q. You are a mine inspector?—A. I know I am, but I am not the storekeeper.

Q. You are to look after the interest of the mines and the employees of the mines as well as the mines?—A. Yes.

Q. And it is your duty to see that the laws of Pennsylvania in the operation of the mines are not violated?—A. Yes.

Q. And one of the violations of the law would be deducting from the employees' wages the store bills?—A. That is not under my jurisdiction.

Mr. DANDO. It is not under the mine inspector's laws.

Q. You look after the interests of the employees as well as the interests of the employers?—A. Yes, sir.

Q. And yet you say you don't know anything about that?—A. That doesn't come under my jurisdiction.

Q. Then you don't know anything about the laws of Pennsylvania excepting what is relating to the inspection of mines?—A. I never studied law.

Q. Is that what I understand?—A. That is the only thing in my capacity in which I am expected to enforce is the laws of the State.

Q. And the only laws of Pennsylvania relating to this of which you have knowledge are the laws relating to the inspection of mines?—A. Yes, sir.

Cross-examination by Mr. JONES:

Q. You say you were interested in the behalf of Mr. James as well as Mr. Bowman?—A. Yes, sir.

Q. And you were interested as an ordinary citizen?—A. Just the same as an ordinary citizen.

Q. And you took no advantage of your position as mine inspector to influence any man to vote?—A. No, sir.

Q. And when you asked these men you met on the highways to vote you simply did it as a private citizen?—A. Just the same as a private citizen.

Q. And you did that before you were mine inspector. You always took an active interest in politics?—A. Yes, sir.

Q. You don't employ or discharge men in any of these mines, do you?—A. I do not employ or discharge; no, sir.

GEORGE MILLER called on behalf of the contestant and duly sworn by Commissioner Turner:

Examined by Mr. CAMPBELL:

Q. Where do you live?—A. Sandy Run.

Q. That is one of the election districts of Foster Township?—A. Yes, sir.

Q. What office did you hold on the election board in that district last November?—A. Judge.

Q. Did any men, other than the voters, go in and mark their ballots?—A. All with the exception of one.

Q. How many men had their ballots marked by some one other than themselves?—A. Two or three; I can't say.

Q. Who marked their ballots for them?—A. A man by the name of Haverilla.

Q. In 1906 he was arrested for election frauds?—A. He was.

Q. What was the charge against him?—A. Stealing a ballot box.

Q. You say that he was working at the polls there, was he?—A. For a while. He wasn't there all day, but for a while.

Q. For whom was he working?—A. For the Republican Party.

Cross-examination by Mr. DANDO:

Q. The two men who were assisted in marking their ballots asked for assistance?—A. Yes, sir.

Q. They couldn't mark their own ballots and asked for John Haverilla to go in with them?—A. Yes, sir.

Q. And John Haverilla is a citizen of your town?—A. Yes, sir.

Q. And you as judge permitted him to assist them in marking their ballots?—A. Yes.

Q. You consented to having him go in?—A. Yes.

Q. And he was not there all day you say?—A. No, sir; just a little while.

WALTER RICHARDS, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. CAMPBELL:

Q. Mr. Richards, you live in Drifton?—A. Woodside.

Q. What is your business?—A. Foreman of the boiler department.

Q. Where?—A. The Lehigh Valley Coal Co.

Q. In what town or village?—A. Drifton.

Q. How far is Drifton from Woodside?—A. About half a mile.

Q. How many employees are there under you in the boiler department?—A. About 25—between 25 and 30.

Q. In the town of Drifton there is no employee that owns his own home in the employment of Coxe Bros. & Co. or the Lehigh Valley Coal Co. in Drifton?—A. Not to my knowledge.

Q. The company will not sell a foot of land to a person that wants to buy a home?—A. Not in Drifton.

Q. And the leases provide that so soon as the employee quits the employment of the company he must vacate the house?

(Objected to as immaterial and irrelevant. Second, the leases being written leases, would be the best evidence if it be immaterial at all.)

Q. The leases that the employees or the tenants of these houses have provide that so soon as the employee or the workman quits the employment of the company, or leaves it, he leaves his house. That the lease is at an end—the lease of the house—that it is at an end and he must vacate the premises?—A. Well, now, I have known of cases there that men have lived there and when they left they had ample time to look for a house afterwards. I haven't, to my recollection, known of anybody being thrown out.

Q. The lease does, however, make that provision?—A. Yes.

Q. Isn't that true of all leases down in this part of the county with the coal companies in the villages named by the mine inspector Roderick a little while ago, Hazlebrook, Harwood, and all those villages that the coal companies have that sort of a provision in their leases?—A. I can't answer that. I can only answer for the parties I have leased houses from.

Q. Don't you know, as a matter of fact, that when there have been strikes down this way that the employees have been put out of the houses because they have struck?

(Objected to, immaterial and irrelevant.)

A. No; I couldn't swear to that.

Q. Did you ever hear tell of the Hazlebrook evictions?—A. I heard tell of that.

Q. Did you ever hear of the Jeddo evictions?—A. Yes, sir.

Q. Jeddo is how far from Drifton?—A. About a mile—a mile and a half.

Q. Did you ever hear of the Highland evictions?—A. Yes, sir.

Q. Those were cases where the men striking, the employees were put out of the house?—A. Yes, sir; according to what I read in the paper.

(This is objected to by Mr. Jones.)

Q. And the sheriff of Luzerne County had to come down and do it, isn't that a fact?—A. To the best of my knowledge; yes.

Q. If a boiler maker loses his position with you under your employment, is there any other place within a radius of 7 miles where he can get employment as a boiler maker?—A. No; I don't think there is.

Q. Could he get employment even in the city of Hazleton?—A. I don't know anything about the boiler shops in Hazleton.

Q. There is no boiler shop in this part of the county except this one at Drifton?—A. Some of the coal companies hire boiler makers of their own. The nearest shop is Weatherly. That is about 9 miles away.

Q. You were interested in the last election?—A. Yes, sir.

Q. You took a deep interest in it?—A. Yes, sir.

Q. You took an active interest in the candidacy of C. C. Bowman for Congress?—A. Yes; in fact all the Republican candidates.

Q. You did everything you could do in their behalf?—A. I certainly did.

Q. You exercised every influence that you could of their candidates?—

A. That is one thing that I didn't do.

Q. Now, when you say you did everything that you could, tell us what you meant by that. Please tell me what you mean.—A. If I have a friend, if I have a personal friend who is on the county ticket, I think that I am not doing anything out of the road if I go up to a man and ask him to vote for a certain candidate.

Q. When you ask your friends?—A. Yes, sir.

Q. And last year you did ask your friends, didn't you?—A. I certainly did, all I could meet.

Q. All the employees were your friends?—A. I didn't ask an employee under me to vote for either candidate.

Q. You didn't ask one?—A. No, sir; I didn't ask them, I didn't have to ask them.

Q. They knew you were interested in Bowman?—A. They certainly did. Some of them knew I was. I was handling Bowman's money. I had \$50.

Q. For what purpose did you get that money?—A. To work in the interest of Mr. Bowman.

Q. Were you the district committeeman?—A. No, sir.

Q. Who was?—A. I couldn't exactly tell you who the district committeeman was.

Q. Where did you get this money?—A. Mr. Davis.

Q. Where?—A. He sent me a check for \$25, and \$25 he gave to me.

Q. Did you give him a receipt?—A. No, sir.

Q. You gave him no receipt at all?—A. Only the check as the receipt which I signed.

Q. That is the only receipt?—A. Yes.

Q. That is the only paper you signed—the check he sent you?—A. Yes.

Q. How did he come to give you that money? You were not the district committeeman?—A. Well, I suppose he thought I could do some good, some more good than somebody else could.

Q. When did he send you a check; how long before election?—A. I guess probably a week, or something in that neighborhood.

Q. When did he give you the \$25 in cash?—A. I think three weeks before that.

- Q. In Wilkes-Barre?—A. Yes, sir.
- Q. Did he tell you what to do with this money?—A. Yes.
- Q. What did he tell you?—A. He wanted me to hire watchers to work for Bowman's interests.
- Q. Didn't you say to him that you were not the district committeeman, and that he ought to get the district committeeman to do that?—A. No; I did not.
- Q. He thought you were a man of big influence in this district?—A. Yes, sir; I suppose he did.
- Q. And you are, too?—A. I don't know. I have some friends, when I want to get out some votes.
- Q. You were to confine your efforts to getting Republican votes?—A. Not altogether.
- Q. Not altogether?—A. No; where I have a Democratic friend, I go and ask him.
- Q. I am speaking of your conversation with Jonathan R. Davis?—A. I beg your pardon.
- Q. He told you to confine your efforts to getting Republicans?—A. No.
- Q. What did he say?—A. He said that he knew I had as many Democratic friends as any man in the lower end of the county.
- Q. Then you were to get your Democratic friends?—A. I certainly was.
- Q. Then the district committeeman there got money to get the Republican watchers, didn't he?—A. I don't know anything about that.
- Q. You have been in politics?—A. I have been in politics, but I couldn't swear that he got any money.
- Q. To the best of your knowledge and belief?—A. To the best of my knowledge and belief, he did.
- Q. And he employed the Republican watchers in your locality, where you were?—A. Yes, sir.
- Q. And you were to get out and get Democrats?—A. Yes.
- Q. And he gave you \$50 with which to get Democrats?—A. Certainly.
- Q. And you went out to get Democrats?—A. I certainly did.
- Q. Tell us how you went about it?—A. I hired some Democratic watchers; \$15 I paid for a horse and wagon, and the balance for my time and services.
- Q. Tell us the Democrats that you hired?—A. Well, now, that is a pretty hard proposition. You have been in the game long enough.
- Q. It is a game?—A. It is a game.
- Q. And it is a pretty crooked game?—A. Sometimes it is.
- Q. Give us the names of the Democrats that you hired?—A. I couldn't exactly tell you; I can't recall.
- Q. You can't recall them?—A. No, sir.
- Q. How many were there?—A. Four.
- Q. If you can't recall their names, how is it you can tell how many there were?—A. I know the amount of money that I spent.
- Q. How much did you spend?—A. There was \$5 apiece.
- Q. Am I to understand that you hired so many Democrats in the various elections that you can't recall the names of them?—A. There were only four.
- Q. How does it come that you can't recall the names of the four?—A. Well, I can't recall them now.
- Q. Have you made an effort to recall them before this hearing?—A. No, sir.
- Q. You knew that the men who received money from Jonathan R. Davis were being called and asked what they did with this money?—A. Yes; I read that in the paper.
- Q. And you had sort of a feeling that it was possible that you would be called?—A. Yes, sir; it might have been possible.
- Q. And four days ago you were formally subpoenaed?—A. Yes, sir.
- Q. And you felt you were going to be asked what you did with this money?—A. Yes, sir.
- Q. You haven't made the slightest effort to recall the moneys or the persons to whom you paid money; that is, these Democrats?—A. I can't recall them.
- Q. Remember you are under oath. The joking part of this is out. This is a little serious to the people interested. Now, I repeat again, tell us the names of these four men?
- MR. DANDO. It is serious to the four Democrats.
- A. I can't recall them now.
- Q. Do you know the names of any of these four men?—A. I couldn't tell you the names of the four of them.
- Q. Where do they live?—A. They live around Freeland.

Q. Whereabouts in Freeland?—A. In the north election district. One was in the third.

Q. Where was their residence?—A. Two was in the fourth.

Q. Where is the other fellow?—A. Down through the lower end of the town.

Q. What wards?—A. The fifth and the sixth.

Q. Then, you went into Freeland to hire Democrats?—A. That was, the Democratic watchers.

Q. How is it, if you don't know their names, you can tell where they live?—A. I can't just recall their names.

Q. Did you know these men for some time before you employed them?—A. Oh, yes.

Q. How long had you known them?—A. Oh, quite a few years, I guess.

Q. Where did they work?—A. I couldn't tell you where they worked.

Q. What do they work at?—A. I really don't know what their business is.

Q. You knew that these men you hired were men of influence among the Democrats, of course?—A. Well, yes.

Q. And I assume, of course, they had numerous friends?—A. There are so many of these men who change their position from one colliery to another that I can't be positive where they work.

Q. You said you gave \$5 to one Democrat who lived in the third ward?—A. Yes.

Q. Now, on what street did that fellow live?—A. I couldn't tell you on what street.

Q. And you had one in the fourth ward—one Democrat?—A. Yes, sir.

Q. What street does he live on?—A. I don't know what street he lives on.

Q. How far is the third ward from your home?—A. About a half or three-quarters of a mile.

Q. How far is the fourth ward?—A. Possibly about a third of a mile.

Q. How far is the sixth ward?—A. Only about a quarter of a mile.

Q. On what street does this fellow in the sixth ward live, to whom you gave this money? There were two in the sixth ward.—A. I can't recollect.

Q. What was one of them—on what street, at least, did he live?—A. I don't know what street.

Q. How long have you been living within a quarter of a mile of him?—A. Lived in the neighborhood for 25 years.

Q. And yet this man, well known in his ward, whose services you secured, and who lived within a quarter of a mile, you can't state in what street he lived?—A. No.

Q. Now, what was his business, or his name, and that is as true as anything you have testified to here?—A. I can't recollect.

Q. I am not asking that. Read the question to him.

(Question read.)

A. Yes.

Q. You hire the men in your department?—A. Yes.

Q. You discharge them?—A. Yes.

Q. Now, that is \$20 given to these men. What did you do with the balance?—A. \$15 for a horse and a wagon.

Q. How many horses?—A. Only one horse, but probably six or seven times.

Q. It was a single horse and carriage?—A. Yes.

Q. And you paid \$15 for a day's hire of a horse and a carriage?—A. No; not for one day. I was three weeks on the job. You can't do much in one day.

Q. Let us see. Where did you go with this horse and carriage? Where did you drive to?—A. Down through Foster, and through White Haven, and one trip to Conyngham.

Q. Where else?—A. That is all.

Q. How many trips were there?—A. Five altogether.

Q. How long did they take—a day on a trip?—A. No; it won't take a day to drive there.

Q. What days did you drive?—A. It was generally on a Sunday.

Q. In Foster Township, practically all through Foster Township, there is a line of trolley cars, isn't there?—A. No, sir.

Q. Doesn't it run from Hazleton to Freeland?—A. Yes; but that don't go through Foster.

Q. Isn't Drifton in Foster?—A. Part of it.

Q. What other villages named by the mine inspector are in Foster?—A. Highland, Upper Lehigh, Sandy Run, and Pond Creek.

- Q. From whom did you hire this horse and carriage?—A. John Fisher.
 Q. And it was used exclusively for political purposes?—A. Yes, sir.
 Q. And for pleasure driving on Sunday?—A. No.
 Q. How much did you pay a day for this horse and carriage?—A. Three and a half when I went to Conyngham and \$3 on the other trips down below.
 Q. That is \$12.50. Where did the other \$2.50 go? Three trips at \$3 is \$9, and one at \$3.50. Where did the others go?—A. It all went for horse hire.
 Q. You tell us now. There is only \$12 went for horse hire. Can't you tell us?—A. No; I can't tell you.
 Q. Well, that is \$35 we will say—\$15 for carriage hire and \$20 for Democrats. Where did the balance go?—A. That was for my services.
 Q. You had an agreement with Davis that you were to be paid so much for it, for your services?—A. Not exactly.
 Q. What understanding did you have with him about it?—A. The understanding was that I was to use that money for the interests of Mr. Bowman.
 Q. But you said something about your own pay?—A. There was nothing said about my own pay.
 Q. You were at this thing for three weeks?—A. Close on to that.
 Q. How did you fix your compensation as being \$15 for the three weeks?—A. Why it took car fare to run back and forth and my time.
 Q. You gave up your work of course during those three weeks?—A. No; that was done at any time and on Sundays.
 Q. How much were you to get per hour?—A. Nothing was said about that.
 Q. How did you come to fix on \$15?—A. My time was worth that.
 Q. Can you tell us how you came to that conclusion?—A. No.
 Q. About how many hours did you devote entirely to this?—A. I couldn't exactly tell you.
 No cross-examination.

NATHANIEL CHARLES called on behalf of the contestant and duly sworn by Commissioner Turner:

Examination by Mr. LENAHAN:

- Q. Where do you live?—A. At the present time I live at Beaver Brook.
 Q. What county is that in where you live?—A. That is in Luzerne County.
 Mr. JONES. The contestee objects to the calling of Nathaniel Charles, of Beaver Brook, for the reason that no notice has been served upon the contestee of any intention to call Nathaniel Charles, of Beaver Brook, as provided by the United States statute covering contested election in election contests.
 Q. Where did you live last November?—A. In Milnesville. I just moved yesterday.
 Mr. LENAHAN. To which objection we say that the name of the witness was given in compliance with the act of Congress, together with his residence at Milnesville, to the contestee, and in corroboration thereof we offer in evidence the notice that was served upon the contestee.
 Mr. JONES. To which the contestee responds that the notice served upon the contestee in this case contains only a name similar to this name of the witness now called "Nathaniel Charles," and the residence given as Milnesville.
 Q. Where did you live until yesterday?—A. Nathaniel is my proper name, and it is not on there proper.
 Q. But you are known as Nathan?—A. Yes, sir.
 Mr. LENAHAN. The contestant also offers in evidence the subpoena served upon the witness on the 16th day of March, 1911, as "Nathan Charles, Milnesville."
 Q. Where do you live now?—A. At the present time I board in Audenried, but I work at Beaver Brook.
 Q. Where did you live last election?—A. Milnesville.
 Q. That is in Hazle Township?—A. Yes, sir.
 Q. When did you move away from there?—A. I broke up my house there last week, the latter part.
 Q. Were you living in Milnesville when this subpoena was served upon you?—A. Yes; just about moving around there, but the policeman went up to my sister's house and he couldn't just find me. There is where I got my subpoena there. I stopped at Lattimer a few days before this.
 Q. Did you vote at the last election?—A. Yes, sir.
 Q. Lattimer is also in Hazle Township?—A. Yes.

Q. I wish you would go on and state whether you received any money to vote for Bowman for Congress, and some of the other candidates for other offices on the Republican ticket, and if you received any money, state how much.

Mr. JONES. We ask the commissioner to notify the witness of his rights in refusing to answer any question that might incriminate him.

Mr. LENAHAN. There are no rights as that. That right a witness can not take advantage of on the stand.

Mr. JONES. The statute of Pennsylvania, under the act of 1906, expressly provides that he can not refuse to answer on the ground that it may incriminate him, and it can not be used against him, but the United States statutes covering contest proceedings do not so provide.

Mr. LENAHAN. You are ready to answer, are you?

A. Yes, sir.

Q. Go right on now and tell.—A. I received \$2 for my vote.

Q. Who paid it to you?—A. One of the watchers that was there.

Q. What is name?—A. Conlin, Daniel Conlin.

Q. Whom did he ask you to vote for?—A. Asked me to vote for Brehem and Bowman particularly, and the Republican ticket.

Q. Whether or not you saw any other money paid out at the polls to vote for Bowman and the rest of the Republican ticket?—A. I saw it circulated around there.

Q. You saw the money being circulated around there?—A. Yes.

Q. You mean to say paying the money out? Who was it?—A. I couldn't just say who I saw, but I saw them going around the corners of the schoolhouse, and I took a peep once in a while when it was being done.

Q. Then they would go in and poll their vote?—A. They had to vote first.

Q. They would go and vote and take a peep around the schoolhouse. Who would go with the voters?—A. One of the watchers that was there.

Q. One of the watchers?—A. Yes.

Q. Just tell how the watcher would go and take him? From the beginning, from going into the polls until they came out and where they went to?—A. Naturally they met a man outside and had talk.

Q. They met him outside the polls and had a talk with him?—A. Yes; they had a talk and followed him up; that is, if he was a foreigner or some of these weak-minded fellows they think they could handle and get him in there.

Q. Get into the booth?—A. Yes; the judge was right there; gets his ticket. I have taken it and other people have done it, too. Make the judge believe that the man asked for him, and he didn't. When he could have asked for one of his own kind of people.

Q. After he voted what did the watchers do with him?—A. Took him out and run him across the commons there.

Q. How many did you see paid there on the commons, back of the schoolhouse?

Objected to as leading your own witness.

Q. How many did you see paid that way?—A. I can't say.

Q. About how many?—A. I have no idea. I seen it and that is all.

Cross-examination by Mr. JONES:

Q. What were you doing about the polls on election day?—A. Watcher.

Q. For which party?—A. The Democratic Party.

Q. Who paid you?—A. The district committeeman.

Q. Who was he?—A. Edward Burke.

Q. How much did he pay you?—A. \$5.

Q. Are you a Democrat?—A. At times. It makes no difference whether you are a Democrat or a Republican, it is just the same.

Q. It is all the same over there?—A. Out through the county.

Q. As you say, whenever they think they have a weak-minded fellow, they get his vote if possible?—A. Yes, sir.

Q. Are you weak minded?—A. At times, when there is money around.

Q. Were you weak minded when you got that \$5 from the district committeeman?—A. I was appointed.

Q. I don't care whether you were selected, elected, or appointed. Were you weak minded when you got that \$5?—A. No, sir.

Q. Your mind was all right when you got that \$5?—A. Yes, sir; a little bit.

Q. What was it that weakened your mind?—A. Because I wanted to help a friend.

Q. You were paid for helping the Democrats, weren't you?—A. Yes; and I was trying to be bought on the Republican ticket for expense money.

Q. You were trying to be bought?—A. No, I don't say that. I was bought on the Republican ticket.

Q. Did you ask anybody for money at the polls that day?—A. No, sir; I was asked.

Q. How did you come to arrange with Conlin to go in and vote for the Republican ticket?—A. Because he came and asked me.

Q. What did he say to you?—A. He asked me if I would not vote the Republican ticket, that he would get me \$2.

Q. And you said you would?—A. Yes, sir.

Q. What time in the afternoon was that?—A. That was around 3 or 4 o'clock after dinner.

Q. What time did you go to the polls that morning?—A. I was there in the morning.

Q. Had you been around the polls all day from 7 in the morning until after 4 in the afternoon without voting?—A. Naturally, a watcher don't vote till the last one.

Q. You weren't around the polls from 7 in the morning until 4 in the afternoon without voting?—A. That is my rule; I don't.

Q. Have you ever been a watcher before?—A. Yes, sir; many a year.

Q. A Democratic watcher?—A. Well, both.

Q. Republican and Democratic?—A. Yes, sir.

Q. What is Conlin's first name?—A. Daniel.

Q. What is his nationality?—A. American born.

Q. Isn't he Irish?—A. I believe he is.

Q. He is a Democrat, isn't he?—A. I don't know about that; he was a Republican last time.

Q. Isn't he a Democrat in politics?—A. I can't say that.

Q. How long have you known him?—A. About 15 years, now.

Q. To whom did you first tell this, that you had been paid \$2 for your vote?—A. How is that?

Q. To whom did you first tell this that you had been paid \$2 for your vote?—A. I don't really think that I had told it at all.

Q. To whom did you first tell it?—A. I didn't tell nobody.

Q. Didn't you tell nobody?—A. I don't know if I did.

Q. Do you know that you didn't?—A. I don't think that I did.

Q. Didn't you tell McKelvey?—A. I don't know that I did.

Q. Will you swear that you didn't tell McKelvey before you went on the stand?—A. No; McKelvey came to me to-day and told me that I did.

Q. McKelvey told you?—A. Yes; he knew it.

Q. When McKelvey told you this were you weak minded enough to believe him?—A. I am not weak minded.

Mr. JONES. I would like to have it entered on the record that the contestant said to this witness, "Stand up, now."

Mr. LENAHAN. Then the witness proceeds to stand up.

Mr. DANDO. Looking for \$2 more.

Mr. JONES (continuing). Well, now, are you weak minded or are you not?—A. I am not weak minded.

Q. Have you been drinking to-day?—A. No, sir.

Q. Not a drink?—A. I had three and I wish I had three more.

Q. I don't doubt that.—A. I will tell you this: As far as drinking is concerned, you think you are pretty wise; but I haven't drank to-day—only a few drinks—and I worked last night.

Q. Where did you have them?—A. In Hazleton.

Q. Who bought them for you?—A. Nobody.

Q. Who was with you?—A. I went and had the first drink myself.

Q. Who was with you when you had the second?—A. A friend of mine.

Q. Who is the friend?—A. He is not implicated in this.

Q. I don't care whether he is or not. Who is he?—A. A friend of mine.

Q. Well, what is his name?—A. Edward Burke. He just seen me on the road.

Q. He was the man who employed you as a Democratic watcher that day?—A. He was in here all morning, and when we went out he went out with me.

Q. He is the man who employed you as a Democratic watcher and gave you \$5?—A. Yes, sir.

Q. Where did you meet Burke to-day?—A. After adjournment this morning.
 Q. Where did he take you to?—A. I didn't meet him right away. I met him on my way down here to this place at a quarter after 1, and went in the Hazleton House and bought my drink.

Q. Who did you have the three drinks with?—A. I bought them myself.
 Q. Who was with you?—A. Myself; I don't know.
 Q. Who was with you?—A. Nobody was with me. I was down at the Keystone.

Q. What time of the day did you first talk to McKelvey?—A. At the noon adjournment.

Q. What did you say to him and what did he say to you?—A. Well, he wanted to talk with me. I didn't know what he wanted. He told me that he had found out that I received these \$2.

Q. What did you say to him?—A. I told him yes.
 Q. What else did he say to you?—A. We talked about little other things, not concerning this at all.

Q. Is that all that took place?—A. He wanted to find out about these things.

Q. Did you tell McKelvey where you got this money from?—A. Yes, sir.

Q. Who did you tell him gave it to you?—A. Daniel Conlin.

Q. You had a consultation with the attorneys for the contestant before you went on the witness stand in this room?—A. They called me over and asked me a few questions.

Q. And McKelvey was in the group where you had this consultation?—A. I suppose he was.

Q. Who marked your ballot on election day?—A. I did myself.

Q. Did Conlin take a chance on you?—A. That shows I ain't weak-minded.

Q. It shows that Conlin is. You say the custom over there is to be sure that the man voted right and then to give him some money.—A. Well, I wouldn't want to go in details about it. For my own part I was honest enough to be trusted.

Q. And you were honest enough to be bought?—A. Yes, sir.

Q. Did you stay bought?—A. What?

Q. Did you stay bought?—A. I stayed around there all day.

Q. What did you do for the rest of the time that you were around there all day?—A. I stayed right around there working all day.

Q. How did you vote when you went into the polls?—A. I voted for McKelvey.

Q. Who else did you vote for?—A. I voted for James.

Q. Who else?—A. All the rest of the Republican ticket.

Q. Then you split your ticket, did you?—A. Yes, sir.

Q. I thought Conlin gave you \$2 to vote the straight Republican ticket?—A. Well, I done that.

Q. McKelvey was on the Republican ticket, wasn't he?—A. No.

Q. Was McKelvey on the Republican ticket?—A. Why, no; he was on the Democratic ticket.

Q. You didn't vote the straight Republican ticket?—A. No; not a bit.

Q. You didn't vote for anybody on the Republican ticket?—A. Yes; I did.

Q. You know you didn't?—A. I did.

Q. How did you mark your ballot? Tell me how you marked it? What was the first mark you put on your ballot?—A. We generally cross them, you know.

Q. Did you double-cross anybody?—A. I did.

Q. Who did you double-cross?—A. Just the man you are speaking about.

Q. You double-crossed Conlin, didn't you?—A. I voted for McKelvey, that's all.

Q. Who was Conlin working for at the polls?—A. Just as I told you before, Brehm and all those people.

Q. And Brehm was McKelvey's opponent?—A. Yes.

Q. And he gave you this \$2 to vote for Brehm primarily; that was the foremost thing in his mind, wasn't it?—A. As a rule, he got it for the other party.

Q. I am not asking where he got it. The man that Conlin was most interested in was Brehm, wasn't it?—A. I think so.

Q. And the man he was anxious to have you vote for was Brehm?—A. He spoke about the rest.

Q. But he was mostly interested in Brehm?—A. I wouldn't say.

Q. Didn't you just say so?—A. Brehm, Bowman, and James.

Q. How did you vote on the State ticket?—A. It was immaterial to me how.

Q. I know that, but how did you vote?—A. I don't recall that. I was instructed at the primary election only to vote for three men; that is, at the primaries.

Q. Were you a watcher at the primaries.—A. I was.

Q. You say you had instructions only to vote for three men?—A. Yes.

Q. Who gave you those instructions?—A. Gus Drake.

Q. At the primaries?—A. Yes.

Q. Who instructed you to vote at the election?—A. I was out to help McKelvey and got \$5 for watching.

Q. Now, don't you know, Charles, as a matter of fact, that you didn't vote for Bowman at all?—A. I don't know. Certainly I did.

Q. Can you read?—A. Yes.

Q. Can you write?—A. I think I can.

Q. Do you know whether you can or not?—A. Well, I think I can.

Q. Can you read a newspaper?—A. Yes, sir.

Q. Sure about that, are you?—A. Positive.

Q. What paper do you read?—A. Most of the papers. Any paper I get hold of. I used to read the North American, and that is pretty good reading.

Q. That is not a newspaper. You mean the Philadelphia North American. Who was the first man you marked your ticket for?—A. When you cut them you cross your vote at each name.

Q. Who did you vote for first? Whose name did you put the cross after first?—A. I put a cross to a man's name I want to vote for.

Q. Can you tell who?—A. Naturally, Bowman was the first name.

Q. Who was the next?—A. Accordingly.

Q. Who was the next name?—A. I can't call in rotation.

Q. Was Bowman the first name on the ticket?—A. I think he was.

Q. And his name was the first you got when you went in the booth.—A. I generally carry a ticket; I don't know whether I have one or not.

Q. Have you got it there?—A. No.

Q. But you marked the first name on the ballot to vote for Bowman?—A. Well, I voted for Bowman.

Q. You marked the first name on the ballot to vote for him?—A. Probably his name was not first; the State ticket was first.

Q. For whom did you vote on the State ticket?—A. I don't know. I told you before; but I voted for Bowman and I voted for James, and I might have voted for them all, outside of McKelvey.

Q. You can't recall who you voted for on the State ticket?—A. No.

Q. Don't you remember whether it was Democratic or Republican?—A. I voted all the Republicans except McKelvey, and I told you that before.

Q. Didn't you tell me before that you didn't vote for the State candidates, before that?—A. Probably I didn't.

Q. Don't you know now?—A. Probably I can't remember; I can't recall now. Lots of times I have voted only three or four men on a ticket.

Q. Did you see anybody else getting money that day?—A. I didn't see them, but I seen them going around the corner.

Mr. LENAHAN. Some intimation has been made by counsel in his cross-examination that you can't read. I hand you a newspaper picked up indiscriminately from a pile of newspapers here, and ask you to read that paper.

(Witness reads:) "Sixteen thousand barrels of whisky destroyed."

Mr. JONES. That is the worst news you ever had in your life, isn't it?

Mr. LENAHAN. Go on and read. These are the headlines. Read the article itself. (Witness reads:) "Benton, the home of McHenry, in Columbia County, was last night the scene of a fire, the rays of which were plainly observed at Wilkes-Barre and Pittston."

Q. Now, take up this pen and write. (Witness his name.)

Mr. LENAHAN. We ask that the stenographer attach that slip of paper on which the witness has just written his name, to the testimony, as an exhibit.

(Note. The attached paper is the paper referred to.)

NATHANIEL CHARLES.

Q. You say that you were instructed to vote for three men at the primaries? (Objected to, immaterial and irrelevant and not within the scope of this inquiry.)

Mr. LENAHAN. To which we say it is very proper, having been brought out by counsel for the contestee in his cross-examination.

Q. Who were the three?—A. Conlin asked me to vote for three.

Q. Who did Drake ask you to vote for?—A. Brehm, Bowman, and James, particularly.

Q. Bowman was the Republican candidate for Congress, James was the Republican candidate for the State senate, and Brehm was the Republican candidate for the legislature.—A. Yes.

Q. Were you working at this time?—A. Yes, sir; I was working at Milneville for Pardee & Co.

Q. Who was the mine superintendent and general manager?—A. Drake, I believe.

Q. He was the head man in that mine, wasn't he?—A. Yes, sir.

Q. Mr. Charles, did you vote the whole Republican ticket except McKelvey on election day?—A. In the general election?

Q. Yes.—A. I voted the whole Republican ticket, but there are lots of names as far as I am concerned that didn't concern me, and maybe I cut them, but I provided for McKelvey.

Q. Did you ever meet Bowman?—A. No, sir.

Q. You should; he is rich picking for the boys.

WILLIAM LILLY called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. LEAHAN:

Q. Mr. Lilly, how old are you?—A. Thirty-one.

Q. Married man, are you?—A. Yes, sir.

Q. What is your business?—A. Working around the breaker.

Q. For whom?—A. Pardee Bros. & Co.

Q. Where?—A. Lattimer.

Q. You were judge of election at the last election at what polls?—A. Milneville.

Q. You are a Republican in your politics?—A. Yes, sir.

Q. I wish you would go on now, and give me the number of men that you permitted to go into the polls and permitted others to accompany them in marking their ballots?—A. I am sure of three; there may be one or two more I am not sure of.

Q. You are sure of three?—A. Yes.

Q. And still there may be more you are not sure of?—A. Yes, sir.

Q. Tell me the names of the men you permitted to go in with voters to mark their ballots.—A. Carr, Fritzinger, and a Hungarian whose name I don't remember. That I am sure of.

Q. Anyone else that you permitted to go in with some voters?—A. Yes, sir; but I don't remember this Hungarian.

Q. How many did Conlin go in with?—A. One, as near as I can remember.

Q. Would you say he didn't go in with more?—A. I don't think he did.

Q. How many did Gittinger go in with?—A. I don't remember of his going in with any.

Q. You know him, don't you?—A. Yes.

Q. You remember Mr. Brislin, the Democratic overseer?—A. Yes.

Q. Do you remember when you opened the polls in the morning, and Conlin and Gittinger, rushing the voters in and marking their ballots for them, and Brislin protesting against it? Did you see that done or didn't you?—A. No; I didn't see that.

Q. Brisbin protested against Conlin and Gittinger taking the men in and marking their ballots when the polls opened?—A. Not exactly when the polls opened, but somewhere around there; and he told me they had no right to go in the guard rail.

Q. But you still let them go in?—A. No, sir; I objected to that.

Q. In the evening when it was dark, between 6 and 7 o'clock, the same thing happened again?—A. Not that I know of.

Q. In the evening when it was dark, between 6 and 7 o'clock, didn't the same thing happen again, and didn't he make the same protest again? You remember that, don't you?—A. Not that I know of; I didn't hear that.

Q. And didn't Mr. Brislin say "you are not allowed to do this under the law"?—A. He didn't say that to me.

Q. But he could have said that without you hearing it?—A. I didn't hear it.

Q. But you were there?—A. Yes.

Q. And you hear me now talking?—A. Yes.

Q. And the room wasn't as large as this room is—the room I am now speaking in?—A. The room was large.

Q. Not much larger than this?—A. Quite a bit.

Q. Do you say he didn't protest to the board of election the manner in which the votes were being cast?—A. In the morning he did.

Q. But in the evening, between 6 and 7 o'clock?—A. Not that I heard.

Q. That is the best answer that you can give? You won't say that he didn't do it, but you say you didn't hear it?—A. I didn't hear it.

Q. The whole board was a Republican board, wasn't it? There was not a Democrat on the board?—A. Well, I am a Republican.

Q. You know the politics of the rest?—A. I know Ammerman.

Q. He is a Republican?—A. Yes.

Q. Every man, so far as you know his politics, was a Republican?—A. It might have been this last time, but they have been Democrats off and on.

Q. More frequently off than on. Who are some of them?—A. Eugene McNertney.

Q. Who else?—A. That is all I know.

Q. Hasn't McNertney been voting the Republican ticket for the last four years? They say he has, don't they?—A. Yes, sir; they say he did.

Q. That is his reputation?—A. They say he has, but I don't know.

Cross-examination by Mr. JONES:

Q. You say, to the best of your recollection, three voters asked to have their ballots marked—asked for assistance to have their ballots marked?—A. Yes.

Q. And in each instance you complied with the law?—A. Yes.

Q. The voter said that he was unable to mark his ballot, and asked you to permit him to have assistance?—A. Yes, sir.

Q. And you did so?—A. Yes.

Q. And you say, to the best of your recollection, that Conlin marked one ballot, Fritzinger marked one, and Carr marked one?—A. No; to the best of my recollection, Fritzinger took a man in and Mrs. Carr took a man in—a Hungarian—but I said, to the best of my recollection, Daniel Conlin, Mr. Davis, and Mr. Hinkle marked one. They went in with one or the other of these men.

Q. Marking three altogether?—A. Yes.

(Counsel for the contestant takes exception to the conduct of the counsel for the contestee in calling the witness upon the stand, after the witness has been sworn and examined in chief, from the witness chair to the counsel for private consultation. We object to this conduct on the part of the counsel for the contestee.

Mr. JONES. To which counsel for the contestee makes answer as follows: That this witness was regularly examined and cross-examined; the cross-examination was finished; and when he left the stand I asked him concerning a matter touching this election: and I submit that it was perfectly proper, and a great deal more proper than the conduct persisted in throughout this hearing, not by one of counsel, but by three, as well as the chief assistant, Mr. McKelvey, and the contestant himself—they surrounding the witness before calling him, and not only examining him, but badgering him and cross-examining him.)

Mr. JONES. Mr. Lilly, you say you don't recall the politics of every man on the board?—A. No; I don't.

Q. Were you elected by the people?—A. Yes.

Q. And the two inspectors were elected by the people, were they?—A. As near as I can remember they were.

Mr. JENKINS. McNertney was one of the officers?—A. Yes.

Q. What office on the board did he hold?—A. Minority Inspector.

Q. He was appointed by the court?—A. That is the one I didn't feel sure of, whether he was elected or not.

Q. And he is a Republican in politics?—A. He has been lately.

WILLIAM EDWARDS, recalled on behalf of the contestant.

Examination by Mr. LENAHAN:

Q. What is your business?—A. Mine foreman.

Q. For whom?—A. C. W. Dodson, Beaver Brook.

Q. That is in Hazle Township?—A. Yes, sir.

Q. How long have you been mine foreman?—A. Ten years.

Mr. JONES. Objected to for the reason that this witness was called this morning and submitted to an examination by Mr. Jenkins, and every question that has been so far asked by Mr. Lenahan was asked by Mr. Jenkins.

Q. You were very active in the last election?—A. No, sir.

Q. You were not?—A. No.

Q. Did you not solicit the men working under you to vote the Republican ticket?—A. No, sir; I did not.

Q. Do you remember a talk that you had with me just before I called you now?—A. Yes, sir.

Q. Did you not tell me just now in a talk that I had with you that you did all you could and solicited the men working under you to vote the Republican ticket, with the exception of Squire McKelvey? Did you not tell me that, now?—A. I told you that we were particularly interested in James and McKelvey.

Q. And you didn't tell me, now, you will swear to that, you did not tell me, now, that you were active for the Republican ticket with the exception of McKelvey?—A. No, sir; I did not.

Q. How many men did you solicit to vote for the Republican ticket?—A. None that I know of.

Q. You can't give me the name of a man?—A. No, sir.

Q. You will admit that you were very much interested in James?—A. Yes, sir.

Q. What did you do to further the interest of James?—A. Nothing particular, only I voted for him.

Q. How many men do you have under you?—A. How many men?

Q. Yes. How many men do you have under your jurisdiction as mine foreman?—A. I have three.

Q. You have a lot of miners and laborers, haven't you? You know what I mean.—A. In the neighborhood of 500.

Q. And out of this 500 you testify that you didn't solicit any man?—A. No, sir.

Q. To vote for James?—A. Not particularly, myself.

Q. What do you mean by that?—A. I never interested any voter.

Q. What do you mean by "not particularly myself"? Did you get others to interest them?—A. Well, we had Conahan. I left him go home about 4 o'clock to work for Mr. James.

Q. What does Conahan do?—A. Assistant foreman.

Q. You sent him home before his hour of work had expired to work for Mr. James at the polls?—A. Yes, and Mr. McCue, or I mean McKelvey; those were the two particular candidates that we had.

Q. Do you now repeat again, sir, did you not tell me here before I called you on the stand that you were active for the whole of the Republican ticket with the exception of McKelvey?—A. Well, I told you that I voted the whole Republican ticket.

Q. No, not about your voting. Didn't you tell me, sir, standing here, just before I called you on the stand, that you were active for the whole of the Republican ticket with the exception of McKelvey. Or rather the whole Republican ticket with the exception of Brehm?—A. No, sir.

Q. Or language to that effect?—A. No, sir.

Cross-examination by Mr. JONES:

Q. Mr. McKelvey, the candidate in whom you were interested, was the Democratic candidate for the legislature?—A. Yes.

Q. And you did as much for him as you did for James?—A. Well, I didn't do very much for anybody.

WESLEY HALL, called on behalf of the contestant, and duly sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

Q. You are a mine foreman?—A. Outside foreman.

Q. Where?—A. Lattimer.

Q. How long have you been a mine foreman?—A. Outside?

Q. Yes.—A. About 16 years.

Q. How many men have you under your employment?—A. Between 400 and 500.

Q. A great many of them are Italians?—A. Yes; quite a number.

Q. There was—first, where is Passelera's saloon?—A. North of Lattimer on the mountain side. On the hill. I guess the boundary of the township. It is in Butler Township.

Q. You were present at a meeting there the Sunday previous to election?—A. No, sir.

Q. You were not present at all that day?—A. No, sir.

- Q. Do you know a man by the name of Swank?—A. Yes.
 Q. Was Swank at a meeting there that day?—A. I couldn't tell you.
 Q. And you now say you were not at that meeting?—A. No, sir.
 Q. And you say in addition that you didn't know anything about a meeting at Passelera's saloon?—A. Not a political meeting.
 Q. Never mind the political meeting. We will come to that after awhile. Did you hear of a meeting there?—A. No; I couldn't swear that I did.
 Q. You heard of nothing of the kind?—A. No.

CHARLES ROHLAND, called on behalf of the contestant.

Examined by MR. LENAHAN:

MR. JONES. Counsel for contestee objects to the counsel for the contestant, having called a witness, taking him aside, after having placed him on the stand, for consultation with him.

MR. DANDO. This is a public hearing.

Commissioner TURNER. When this gentleman was called over here he crossed the stand where the witness had been sitting, but he had not been called to the stand and he had not been sworn as a witness.

(Witness was then sworn by Commissioner Turner.)

- Q. What is your business?—A. Outside foreman.
 Q. For whom?—A. Coxe Bros. & Co.
 Q. Who is your superior?—A. Mr. John Rohland.
 Q. That is your father?—A. Yes, sir.
 Q. Who is the superior officer over all these men?—A. Mr. Davis.
 Q. That is William Davis?—A. Yes, sir.
 Q. Commonly called "Bill Davis"?—A. I guess so.
 Q. What is his official position?—A. Division superintendent.
 Q. Division superintendent for the Lehigh Valley Coal Co. and Coxe Bros. & Co.?—A. Yes, sir.
 Q. And of Coxe Bros. (Inc.)?—A. Yes.
 Q. And Coxe Bros.'s colliery is called Coxe Bros.'s colliery because it was formerly operated by the Coxes, and is now operated by the Lehigh Valley Coal Co.?—A. It is operated as Coxe Bros. & Co.
 Q. But it is not operated by Coxe Bros. & Co. any more. It is operated by the Lehigh Valley.—A. Their superintendents have charge over us.
 Q. The Lehigh Valley Coal Co. superintendents have supervision over you?—A. Yes; this division and the other division.
 Q. I am talking about the division that you are in?—A. Yes.
 Q. So that he is your superior, William Davis?—A. Yes, sir.
 Q. Squire McKelvey went to see you before election, didn't he?—A. Squire McKelvey?
 Q. Yes.—A. Yes, sir.
 Q. Where?—A. Over at the colliery.
 Q. Were you working then?—A. Yes, sir.
 Q. He spoke to you about supporting him?—A. He asked me what I could do for him.
 Q. He asked you to support him?—A. Yes; he asked me what I could do for him.
 Q. And didn't you tell him that you couldn't give him any answer until you got word from Bill Davis?—A. No, sir.
 Q. Did you mention Bill Davis's name?—A. No, sir.
 Q. Under no circumstance?—A. No, sir.
 Q. Didn't you say in addition that you couldn't go back on Bill?—A. No, sir.
 Q. Did you say to anyone that you couldn't go back on Bill?—A. No, sir.
 Q. Did you use that language?—A. No, sir.
 Q. Did Bill speak to you about the political fight?—A. No.
 Q. He never said a word about it?—A. No.
 Q. You were quite active for Mr. Janies?—A. Not particular.
 Q. Well, generally?—A. No more than any other party.
 Q. You say you weren't particularly active, but generally active?—A. If some of my friends asked me how to vote, I said vote for him.
 MR. JONES. This is objected to as having no bearing on relevancy to the contested election of Mr. Bowman.
 Q. Tell us some of your friends that you asked?—A. I have a few friends; I don't recall who they were.
 Q. Tell us who they were?—A. I don't recall them.

Q. They are such remote friends of yours that you can't recall them?—A. No; I may have asked a dozen or two, but I don't know which ones.

Q. They are such remote friends you can't recall their names?—A. No.

Q. Where do the friends of yours work?—A. Some work around Drifton and some lived in Freeland.

Q. Where do you work?—A. I work at Drifton.

Q. Give us some of the names, now, that you asked to vote for Mr. James.—A. I don't remember.

Q. You can't give the name of an individual?—A. No.

Q. How many of these that worked under you that you asked to vote for James?—A. I don't believe any.

Q. Then you didn't go to anyone that worked for you?—A. No.

Q. It was the men that worked in and around the Drifton mines?—A. There are other men living in Drifton not working there.

Q. Then tell who the other men were?—A. I didn't ask one of my men.

Q. Then the men who worked under you, you didn't go to and solicit for your friend James, but it was the other men, living in and around Drifton, who were not working for you that you solicited; is that right?—A. I believe that I answered that.

Q. I believe that you will answer it again?—A. I don't quite understand what you are at.

Q. Do you want to have the question read?—A. Yes.

Q. So that if you understand what I am after you can explain and have a chance to deny it, is that right?—A. No, sir; it is not right.

Mr. JONES. Counsel for contestee respectfully submits that any witness has a right to ask the stenographer to read the question.

(Question read as follows: "Then the men who worked for you, you didn't go to and solicit for your friend James, but it was to the other men living in and around Drifton who were not working for you that you solicited; is that right?")

A. I didn't ask any of the men working for me to vote for James.

Q. Not for anyone else?—A. No, sir.

Q. But it was the men working for others?—A. Yes.

Q. But you can't give the name of a man that you asked?—A. No, sir.

Q. What did you say to them?—A. I asked them if they would vote for Ed. James and Brehm.

Q. Brehm for what? Would you tell them for what?—A. Brehm for representative.

Q. And James for what?—A. Senator.

Q. These two men were running on the Republican ticket?—A. Yes.

Q. Let me refresh your recollection: Did you say you didn't send anyone down from the breaker to vote?—A. No; I didn't.

Q. You didn't let any man off during the breaker hours to go and vote?—A. I may have let them off, but I didn't send them.

Q. Did you let them off to vote?—A. I didn't let anybody off the breaker to vote, myself.

Q. Do you know of anybody being permitted to leave the breaker to vote?—A. Yes, sir.

Q. Who?—A. Maybe four or five.

Q. Who?—A. I don't know.

Q. And what time was that?—A. Four or 5 o'clock.

Q. Did they ask you for permission to vote?—A. No; they asked their foreman.

Q. Who was their foreman?—A. Freitzinger, the breaker boss.

Q. Are you over him?—A. Yes.

Q. What did you say to him?—A. I didn't say anything.

Q. I asked you if you allowed anyone to go?—A. I didn't allow them to.

Q. But the man under you did?—A. Yes; he has that privilege.

Q. Did he say anything to you about it?—A. No, sir.

Q. Did you say anything to him about politics?—A. No, sir.

Q. You work in the same territory?—A. Yes, sir.

Q. And you meet him frequently?—A. Yes: every day.

Q. And you never had any political talk with him during the whole time?—A. No, sir.

Q. Although you were very much interested in James?—A. Yes.

Q. And you never said anything to Freitzinger about James or any other man on the Republican ticket?—A. No.

- Q. You know William Carlin?—A. Yes.
 Q. Is he a boss under you?—A. He is a boss under Freitzinger.
 Q. And Freitzinger is under you?—A. Yes.
 Q. Didn't you talk politics to Carlin?—A. Yes, sir.
 Q. But you didn't talk to Freitzinger?—A. No.
 Q. When did you speak to Carlin?—A. Dozens of times.
 Q. Did you speak to him about James?—A. No.
 Q. Or about Brehm?—A. No.
 Q. Although you talked to him about politics?—A. General politics.
 Q. You never said a word to him about the men you were specially interested in?—A. Just general politics.
 Q. Answer my question, please. Although you talked to him frequently about politics, you never said a word to him about the men you were interested in—Brehm and James?—A. Not particularly.
 Q. But generally did you?—A. We talked about the general ticket, that is all.
 Q. Did you talk about James, individually?—A. No, sir.
 Q. Or Brehm, individually?—A. No, sir.
 Q. Or about supporting Bowman?—A. We talked about the general ticket, the Republican ticket.
 Q. Did you talk to him about supporting the Republican ticket?—A. Yes, sir.
 Q. You did?—A. Yes, sir.
 Q. How often?—A. At least once or twice.
 Q. And the last time was how long before election?—A. Might have been three days.
 Q. Where?—A. At my office, I guess. He comes there every night before I go home; we walk home together.
 Q. I am asking you about this night in particular?—A. We never talked going home together.
 Q. Do you know where you talked together?—A. I can not recall the exact time and place where we talked together.
 Q. Do you know how long before election?—A. Might have been a day or so.
 Q. I am asking you.—A. I don't know.
 Q. Do you know whether it was in the day or the night? Tell me just what day it was that you had this talk with Carlin about supporting the Republican ticket.—A. I don't know.
 Q. Was it the Monday before election?—A. I don't know.
 Q. Where was it? At the breaker?—A. I don't know.
 Q. Who was there?—A. I don't know.
 Q. You know your own name, don't you?—A. I do.
 Q. I was afraid you might not.—A. I suppose you know yours.
 Q. Did you see him on the Sunday before election?—A. I don't recall that.
 Q. Was Freitzinger with him or with you at any time when you talked with him?—A. I don't think so.
 Q. You don't know that?—A. No.
 Q. Who else is under you beside Freitzinger and Carlin?—A. The gang boss, man by the name of Bierley.
 Q. Where does he live?—A. Drifton.
 Q. Did you have a talk with him about politics?—A. No, sir.
 Q. At no time?—A. No, sir.
 Q. Why did you select Carlin as the one to talk politics to?—A. We talk together, we go home together, and we are quite friendly.
 Q. Weren't you friendly with Freitzinger?—A. Not necessarily.
 Q. I am not asking about necessarily. I am asking you facts.—A. I don't go out with him and don't go with him.
 Q. Do you go out with Carlin?—A. Once in awhile.
 Q. During political times?—A. No, sir.
 Q. Do you go out with Bierley?—A. No.
 Q. Aren't you friendly with him?—A. Yes; friendly in a way.
 Q. What way are you not?—A. We don't run around together.
 Q. Do you and Carlin go out together?—A. Occasionally.
 Q. What do you mean by running around together?—A. We go out together the same as any other friend.
 Q. What do you mean by that?—A. What do you want me to mean?
 Q. I don't want you to mean anything. I want you to tell me what you mean by that?—A. We go out together and go to places of amusement together.
 Q. And that is why you talked politics with him?—A. Yes, sir.

Q. You found that talking politics to Carlin, one of your under bosses, was one of your opportunities for amusement, did you? That was one of your forms of amusement, to talk politics with him, was it?—A. No; it would naturally come up in the topic discussed, that is all.

Q. Then because you went with him to some places of amusement is a reason why you talked politics with him, and that is the reason why you didn't talk politics with some of the other men, is that the reason?—A. Not necessarily.

Q. Well, naturally?—A. Naturally I don't go out with them, and I didn't talk politics with them.

Q. You know that you did tell here that you had discussed with Carlin—that you had talks with Carlin, you think in your office?—A. Either in the office or on the road going home.

Q. Didn't you say you had talks with him in your office?—A. I said we might have had talks in the office, when we were ready, or on our home way.

Q. Didn't you say you had talks with him in your office without qualifying it, without saying anything about being ready to go home, didn't you?—A. No; I did not.

Q. You didn't?—A. No.

Q. Wasn't Freitzinger in the same habit of coming into your office?—A. When his duty called him there.

Q. I am not asking that, either.—A. That is all the answer that I can give. When his duty called him.

Q. I asked you whether he was in the habit of coming into your office? Answer that question.—A. I said when his duty called him there.

Q. I am not asking you that?—A. Didn't I answer the question. I think that I have answered it as good as anyone could answer it.

Q. No; you didn't. If you have to sit there until you freeze you will answer it. Wasn't he in the habit of coming into your office?—A. I said when his duty calls him there.

Q. I want an answer to that question, yes or no?—A. No.

Q. Was Bierly in the habit of coming into your office?—A. His office is my office.

Q. Answer my question.—A. He is in his office when he is in my office.

Q. Will you answer my question?—Was he in the habit of coming into your office?—A. I can't answer it any better than I have; my desk is there and his is there.

Q. You and he occupy an office together?—A. Yes.

Q. And notwithstanding that fact you never talked to him politically?—A. No.

Q. Tell me where Freitzinger had to go to get his orders.—A. To me.

Q. About how often in the day would you deliver your orders to him?—A. Four or five times.

Q. Where did he come to get his orders?—A. To my office.

Q. How long have you known Carlin?—About 20 years.

Q. Is he a school director in Hazle Township?—A. No.

Q. He was a school director, wasn't he?—A. I believe he was.

Q. Don't you know that he was?—A. Sure; I know that he was.

Q. Then why don't you say so? He was elected on the Democratic ticket, wasn't he?—A. I think that he was.

Q. Don't you know that he was?—A. No; I am not positive.

Q. You are not positive whether he was elected on the Republican, or the Democratic ticket, or the Greenback ticket?—A. No.

Q. Did you hear what ticket he was elected on?—A. No.

Q. Did you vote at the election when he was elected?—A. I believe that I did.

Q. Do you know whether you did?—A. Sure; I did.

Q. Are you sure you voted?—A. Yes.

Q. Did you see the Democratic and the Republican column before you voted?—A. Yes.

Q. Wasn't his name on there; didn't you see it in the column before you voted?—A. I don't remember.

Q. You don't remember, then, whether he ran on the Democratic ticket for school director, or not; do you?—A. No.

Q. And you never heard how he ran on the ticket?—A. Not that I remember.

Q. How many years ago is it since he was elected; do you remember that?—A. Five or six.

- Q. But you don't know that he is a Democrat either, do you?—A. I think he is a Democrat, but I am not sure.
 Q. Freitzinger is a Republican?—A. I don't know.
 Q. Bierley is a Republican, isn't he?—A. I don't know.
 Q. Don't you know his politics either?—A. No.
 Q. You never asked him?—A. No.
 Q. Never heard those men say what their politics were, either one of them?—A. No.

FREAS SWANK called on behalf of contestant.

MR. JONES. Counsel for contestee objects to the counsel for contestant interrogating the witness after he was on the stand, before he was sworn in the court room.

MR. LENAHAN. I ask both of the commissioners not to put that down as it is absolutely untrue; the witness was not on the stand.

(Witness is then sworn by Commissioner Turner.)

Examined by Mr. LENAHAN:

- Q. You are a foreman of what colliery?—A. Lattimer.
 Q. Are you inside foreman or outside foreman?—A. They call it transportation foreman.
 Q. How many men have you under your employ?—A. 35 between men and boys.
 Q. How many are employed at Lattimer altogether?—A. I couldn't tell you.
 Q. About how many?—A. Between seven and eight hundred.
 Q. You were very active in the last campaign, were you not?—A. Not any more than an ordinary watcher.
 Q. An ordinary watcher?—A. Yes.
 Q. Let us see if you didn't do any more than an ordinary watcher. Didn't you go out and hire some fellows?—A. I hired other watchers.
 Q. Who were the others you hired as watchers?—A. Ed. Faust.
 Q. Where does he work?—A. In the mines at Lattimer.
 Q. Who else did you hire?—A. Nicholas Fatella.
 Q. Where does he work?—A. In the breaker, No. 4.
 Q. In Lattimer?—A. Yes, sir.
 Q. Who else?—A. Camille Delassentre.
 Q. Where does he work?—A. No. 3 washery, Lattimer.
 Q. Where does Fatella work?—A. In the breaker; foreman of the platform.
 Q. Whom else did you employ?—A. Michael Lonsette.
 Q. What does he work at?—A. Harleigh.
 Q. Does he work for Pardee & Co.?—A. No; I think he works for Benjamin.
 Q. Is he a coal operator?—A. Stripping.
 Q. Who else did you employ?—A. John Horsepowder.
 Q. Where does Horsepowder work?—A. In the mines; he is a miner at Lattimer.
 Q. Before you hired him you sent him to the general manager of the Lattimer Coal Co.?—A. Not before.
 Q. Afterwards?—A. Yes, sir.
 Q. You hired and then sent him to the manager of the Lattimer mines, did you?—A. Yes, sir.
 Q. What did you send him there for?—A. By request.
 Q. What was the purpose of the request?—A. I don't know.
 Q. Political purposes?—A. Maybe it was.
 Q. You know it was?—A. I can't tell you what was transacted.
 Q. You brought word to him that the general manager wanted to see him?—A. Yes, sir.
 Q. And the general manager told you that he wanted to see him?—A. He told me that he wanted to see him.
 Q. And you and the general manager were talking about politics at the time he told you?—A. Not any more than any other man.
 Q. You were, were you not?—A. We were talking, certainly.
 Q. And you told him the man you hired?—A. Yes, sir.
 Q. And among others you told him you hired Horseradish?—A. Horsepowder.
 Q. You told him you had hired Horsepowder?—A. Yes.
 Q. And he didn't tell you that he wanted to discharge him, did he?—A. No.
 Q. And he didn't tell you to send the other men to him?—A. No.

Q. Of course you knew that it was about politics that he wanted to see Horsepowder?—A. Yes, sir.

Q. In other words, you wanted to have the bargain you had made with Horsepowder clinched, isn't that right, and have the general manager see him?—A. That wasn't my idea.

Q. Whose idea was it?—A. Well, I sent him there, but it was by request.

Q. You didn't do it out of accommodation to the young man?

Mr. DANDO. General managers have such big ideas how can an ordinary foreman know anything about their ideas.

Q. You knew what his idea was?—A. No.

Q. Horsepowder worked under him?—A. Yes.

Q. Horsepowder was a miner?—A. Yes.

Q. And Horsepowder held his job subject to the manager's wishes?—A. Yes, sir; he is a contract miner.

Q. That is a good job in the mines?—A. Some have and some have not.

Q. Do you know Jimmy Sandolla?—A. No, sir.

Q. A bottler in Hazleton?—A. I knew the man to see him.

Q. Did you see him at the polls that day?—A. Yes, sir.

Q. Did you chase him away?—A. No, sir; I never spoke to him.

Q. Who paid you the money that you paid out?—A. Mr. Drake.

Q. That is the general manager?—A. Yes; as a matter of convenience he brought it in to me.

Q. How much did he give you?—A. \$30.

Q. Did you get any from anybody else?—A. No.

Q. How much did you pay out?—A. I paid it all out.

Q. Didn't you keep any for yourself?—A. Yes; \$5.

Q. Then you didn't pay it all out? Twenty-five that you paid out and five for yourself?—A. Yes, sir.

Q. Did you get a receipt for that?—A. No.

Q. And all of that money you paid, none of it went to anyone excepting people working for the Lattimer Coal Co.?—A. One man worked for Benjamin.

Q. Outside of what you paid Benjamin's man, it all went to men working under the Lattimer Co.?—A. Paid them each \$5 for watching.

Q. Benjamin is engaged in stripping, isn't he?—A. Yes.

Q. Who owns those stripplings?—A. I couldn't tell you.

Q. Who owns the land?—A. G. B. Markle & Co.

Q. And a stripper is a man who takes the soil off the coal?—A. Yes, sir.

Q. The coal is mined by taking the soil off instead of running through the tunnels. We understand it, but I want it on the record so that Congress will understand.

Mr. DANDO. Do you think they will ever get to that?

Mr. LENAHAN. If they ever do Bowman won't sit on his seat three minutes.

Mr. JONES. None of these men worked under you?

A. No.

Mr. LENAHAN. But they all work in the mines and under the man who paid the money?

A. Yes; but I don't know where he got it.

NICHOLAS CICTOLO, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Mr. LENAHAN. The witness is requested over and consult with the counsel for the contestant before he is called upon the witness stand, and he refuses to do it.

Q. What is your business?—A. Working around the breaker.

Q. What is your business?—A. My business? Workingman.

Q. Are you a breaker boss?—A. Boss on the platform.

Q. Then why didn't you tell us?—A. Business? I don't know what kind of business.

Q. I am asking you what your business is; why didn't you tell me you were a boss on the platform?—A. I didn't tell you; I didn't know exactly what kind of business you wanted to know.

Q. You didn't tell me because you wanted to tell me what I wanted to know, and not business you were really in; is that it?—A. Yes.

Mr. DANDO. Don't take it out of him because he had guts enough not to step over to your side of the room.

Mr. LEAHAN. Don't be so coarse, Mr. Dando. There is time and place for everything.

Q. How long have you been boss of the platform, as you call it?—A. Me?

Q. No one else but you.—A. All right; about 17 years between the breaker and the platform.

Q. How long were you in the breaker?—A. Twenty-one years.

Q. How long were you boss in the breaker?—A. I just told you, between the breaker and the platform.

Q. How long were you boss in the breaker?—A. Sixteen or 17 years.

Q. You have been for 17 years a breaker boss?—A. Not breaker boss—boss in the breaker.

Q. Boss in the breaker?—A. Yes.

Q. And that is not breaker boss?—A. No.

Q. Do you employ men?—A. No, sir.

Q. Do you discharge men?—A. In a case, but not without the consent of my superior.

Q. But you discharge men, though?—A. Not without the consent of the superintendent. In a case that he don't do what is right I send him to the head boss.

Q. Who is your superior?—A. Warren Drumheller.

Q. He is the breaker boss?—A. Yes.

Q. Did you get any money at the last election?—A. \$5 for watcher.

Q. Who gave it to you?—A. Mr. Swank.

Q. Where were you working?—A. At Lattimer.

Q. When did Swank give that to you?—A. On election day.

Q. Where?—A. Right inside the poll; he paid it at night.

Q. What time?—A. Nearly closing time.

Q. How long before it was closing time?—A. I can't remember.

Q. Give it as near as you can remember.—A. Maybe a half or three-quarters of an hour.

Q. Before the polls closed?—A. Yes.

Q. Were you there at the polls all day?—A. Yes, sir.

Q. Who requested you to be there?—A. Mr. Swank.

Q. When did he ask you?—A. A couple of days before that.

Q. Where?—A. He came to my house.

Q. To your house?—A. Yes, sir.

Q. At what time in the day?—A. I can't remember that.

Q. About what time was it?—A. I think it was in the evening.

Q. What does Mr. Swank do?—A. He is boss—transportation boss.

Q. Where, at the breaker?—A. Around the breaker, outside.

Q. He is over you?—A. No.

Q. Who is over him?—A. C. W. Hall, I suppose.

Q. What did he ask you to do at the polls?—A. Support the Republican Party at the election, which I always do.

Q. To support the Republican Party?—A. Yes, sir.

Q. Is that all he asked you to do?—A. That is all.

Q. Did he say anything else to you except to support the Republican ticket? A. No.

Q. How did you happen to go there?—A. Because I was called there. I was hired to come. He asked me to go there for a watcher.

Q. You didn't tell me that before. You said that he asked you to support the Republican ticket?—A. Yes.

Q. And then he went over and asked you to be a watcher?—A. Yes.

Q. Did he tell you how much he would give you?—A. No.

Q. Did you ask him?—A. No, sir; I never asked him.

Q. Nothing was said about his paying?—A. No; sometimes I work for a man and ask my friends to vote.

Q. Do you go to their houses?—A. No.

Q. Where did you meet them?—A. Met them outside.

Q. Outside of what?—A. Outside in the roads.

Q. Out on the road?—A. Certainly.

Q. Tell me some of the friends that you asked?—A. Lots of the friends I would see. I don't remember who. I met lots of citizens, men, on the road. I can not tell their names.

Q. Give me the names of a few.—A. I don't remember them.

Q. You don't recall them at all?—A. No; I don't remember who I met on the streets around Lattimer.

Q. Where do those men work?—A. They work at Lattimer.
 Q. Around what breaker or mines?—A. No. 4 and 3 washery.
 Q. Then the men you solicited to vote all worked at Lattimer?—A. All of them.

Q. Did you get permission to remain away that day?—A. I have no authority to do that.

Q. You have no authority to what?—A. To leave them off.

Q. I am not asking you that. I am asking you if you got permission to be off that day?—A. Me?

Q. Yes.—A. Yes.

Q. From whom did you get permission to be off?—A. Warren Drumheller, the breaker boss.

Q. Did you tell him what you wanted to be off for, to get off to be a watcher?—A. Certainly.

Q. Did you speak to anybody else about getting off?—A. No.

Q. Did you speak to the general manager about getting off?—A. No, sir.

Q. Were you in the general manager's house?—A. No, sir.

Q. At any time before election?—A. No, sir.

Q. Did you talk to him about politics?—A. Well, I might have had a talk with him generally, but not particularly.

Q. Go on and tell us the talk you had with him generally, but not particularly.—A. I said that I was going to support the full Republican ticket.

Q. He knew that you were a Republican?—A. That's all right.

Q. Did he ask you?—A. No; he asked us how are you standing.

Q. Where did he ask you that?—A. I can't remember where.

Q. Try to remember, please. You were over to his house to see him?—A. No, sir.

Q. How did he come to ask you how you were standing?—A. I meet him every once in a while.

Q. He knows you a Republican?—A. Yes.

Q. How did he come to ask you how you were standing?—A. I don't know; you better ask him.

Q. I am asking you?—A. You ask him.

Q. You hadn't given him any idea that you were going to support any man on the Democratic ticket?—A. Well, I only had one person for myself, but nobody asked me to stop and not vote for McKelvey; that is the only man I had to support, myself.

Q. Then, you intended to vote for McKelvey?—A. In one way, yes.

Q. Then, when you told the general manager that you were going to support the whole Republican ticket, you were not telling him the truth?—A. That is none of your business.

Q. That is my business now. You weren't telling him the truth, were you?—A. If I told him a lie, I am not telling you.

Q. You didn't tell him the truth?—A. No; I didn't.

Q. You deceived him, didn't you?—A. Well, that is all right, too.

Q. You went in with several people who voted, didn't you?—A. Yes; certainly.

Q. And you marked their votes?—A. Certainly.

Q. How many?—A. About 35 or 40.

Q. Thirty-five or forty?—A. Certainly.

Q. You went in and voted their votes, didn't you?—A. Certainly; they asked me, and I inquired when I went into the booth how they wanted to vote, and that is the way I marked their ticket.

Q. They asked you to go in and mark their votes, didn't they?—A. Certainly; hold on, I want to have a good understanding about that.

Q. Now, go on and tell us.—A. Now, what do you mean?

Q. Never mind what I mean.—A. Well, then, I will say no.

Q. Are you through now?—A. I am through if you are through.

Q. Are you ready to answer my question?—A. Certainly I am.

Q. Then I will ask you again: Tell me what took place between you and these men you went in to mark their ballots?—A. In answering the question, it was outside the rail guard, and they asked me to go in with them, with the judge's consent.

Q. What did they say to you?—A. They didn't speak to me; they spoke to the judge that they needed help. They called the judge after they got in to the election, and the judge read the name.

Q. Tell exactly what they said to the judge.—A. I can't remember.

Q. Tell us as near as you can.—A. That is all. They go in and they ask the judge. They say they needed help; the judge asked them who they want, and they said Cicota, and he let them in.

Q. They said they wanted help after they got in?—A. Yes.

Q. And they asked for you?—A. Yes.

Q. And you went in and marked their ballots?—A. Yes.

Q. That is all that was said, was it, until the time you went in to mark their ballots? Answer the question.—A. Yes.

Q. Are you sure of that?—A. Yes.

Q. Nothing else was said; only asked them how they wanted to vote?—A. Yes; I asked them how they wanted to vote.

Q. Up to the time that you went into the booth there was nothing else said, was there?—A. Outside the booth?

Q. Was there anything else said?—A. Outside the booth?

Q. Anywhere else?—A. No, sir.

Q. And you went in the booth and asked how they wanted their ticket marked and then you marked it?—A. Yes, sir.

Q. And in every instance it was a Republican ballot you marked?

Mr. JONES. We respectfully submit to the commissioner that any man is not compelled to state how they voted, unless he wants to, and a man who marked the ballot is not compelled to tell how it was marked, without the voter's consent.

Mr. LENAHAN. It is to show here that this marking of the ballots was irregular on its face. This man had no more business to mark these ballots any more than anyone in this room. It was illegal. You will notice that by the answers he gives.

Mr. JONES. Don't tell how you marked those ballots. You have no right to tell how those voters voted.

Mr. LENAHAN. And in every instance it was a Republican ballot that you marked?—A. I won't tell how I voted myself.

Mr. JONES. I instruct you not to tell that—not to answer that question. You have no right to tell, to tell how those men voted, after asking the judge for assistance, and which the judge gave them.

A. No, I won't answer that question.

Mr. LENAHAN. Then you refuse to answer, do you, how you marked those ballots for those men?—A. I certainly refuse.

Mr. JONES. Those voters whose ballots you marked asked the judge to permit them to have assistance in marking their ballots?—A. Yes.

Q. Were they able to read or write?—A. They didn't understand English and couldn't find out where their name was.

Q. And they couldn't read the names on the ballots?—A. No.

Mr. LENAHAN. Tell me the name of the men whose ballots you marked.—A. I will probably if you give me time.

Q. Well, take your own time.—A. Well, give me time; you don't need to talk so rough; you don't have to take your shirt off. Bianca Corbecci.

Q. How long have you known him?—A. Since coming to Lattimer, four or five years.

Q. What does he work at?—A. Works around the mines.

Q. Is he a miner?—A. No, sir.

Q. You have known him four or five years, you say?—A. Yes, sir.

Q. Don't he talk English?—A. Very little.

Q. I am not asking you whether it is much or little. Don't he talk English?—A. Yes; a little.

Q. Who was the next?—A. Camellia De Powell.

Q. How long have you known him?—A. Since he came to Lattimer, 13 or 14 years.

Q. This man you have known for 14 years?—A. Yes, sir.

Q. Don't he talk English?—A. Very little.

Q. Just answer the question. Does he talk English?—A. No; he don't talk English, as far as that is concerned. He can't explain himself.

Q. He has been in Lattimer for 14 years, the township of Hazel, and you say he don't talk English?—A. He don't talk English very little.

Q. You talk good English, do you?—A. I don't know.

Q. Do you read?—A. I don't know.

Q. Do you write?—A. I write very little.

Q. Do you read English?—A. Yes.

Q. Can you read this? Stay there and read this line for me.

(Hands witness paper.)

(Reading) : "John Brislain"—give me a newspaper, I can't read that.

Q. It is very plain.—A. It is plain to you, but not to me.

Q. You read writing?—A. In English, very little.

Q. You read very little in English? I show you this same paper, and ask you if you can read it?—A. I don't know.

Q. You can't read it?—A. Give me the newspaper.

Q. This newspaper is not a ballot.

Mr. LENAHAN. Contestant offers, in connection with this man's testimony, this exhibit marked "Exhibit B."

A. Well, if you can read I can't. If I write down you can't read it.

Q. Give me the name of another man out of the 14 or the 15.—A. Tony Ledereck.

Q. How long has he lived there?—A. For 20 years.

Q. Don't he talk English?—A. Little bit; yes, sir.

Q. Does he talk it as well as you do?—A. No.

Q. And he has been 20 years in Lattimer?—A. Yes.

Q. How long has he been in this country?—A. I have known him for 20 years.

Q. How long has he been in this country?—A. Twenty-one years; I mean I have been here for 21 years.

Q. Give us the name of another man.—A. Peter Ledereck.

Q. How long has he been in Lattimer?—A. Twenty-one years.

Q. Does he talk English?—A. Yes, sir.

Q. Give us another man.—A. August Sedari.

Q. How long has he been in Lattimer?—A. Fifteen years.

Q. Does he talk English?—A. Yes.

Q. Give us the name of another man.—A. Joe Matten.

Q. How long has Joe been in this country?—A. He has been in this country for 17 years, going back and forth.

Q. You were kept busy marking, on this day, marking votes for the voters, were you not?—A. Certainly, I was kept busy.

Mr. JONES. How many men work under you on the platform?—A. Only one citizen; I have only one.

Q. You didn't mark his ballot?—A. No.

Mr. DANDO. While some of those other men could talk English, they couldn't read it?—A. No; they can't write or read English.

FRANK SACCO, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Mr. JONES. I wish the contestant would produce the notice that this witness would be called at this hearing, or at any other hearing prior to this.

Mr. LENAHAN. The information we propose to offer from this witness we only acquired to-day, and the persons who are competent to contradict what he will testify to, their attention has been called to it; they are several of the mine bosses.

Mr. JONES. The contestee objects to this witness being called to give any testimony in this proceeding, no notice of the intention to take the deposition of this witness at this or at any other place at any time having been served upon the contestee or his counsel.

Q. Where do you live?—A. 31 East Diamond Avenue, Hazleton.

Q. What is your business?—A. Real estate and steamship ticket agent.

Q. You were a very ardent supporter of Squire McKelvey for the legislature?—A. Sure; and I am again.

Q. You electioneered for him over in Hazle Township?—A. Yes.

Q. Now, on the Sunday before the election, I wish you would go on and tell if you were in Pasarallas's, and if there were any mining bosses in there. Point them out there, and state what was said between you and those mining bosses.—A. Well, I don't know exactly what day it was, but it was before election, and I happened to be in Pasarallas's saloon; one I know is a mine boss, the others I don't know.

Q. Which boss did you know?—A. Wesley Hall.

Q. Where is Swank here? Did you see Swank there?—A. Yes; and Mr. Swank wanted to lick me, too.

Q. Yes; he not only wanted to own you politically but bodily. Go on and tell what was said.—A. I put a dollar on the bar and I said: "Give us a drink for McKelvey."

Q. Go slow.—A. That is well enough. And Wesley Hall said: "What!" and he can't deny it; and he said. "I wouldn't take a drink from the Democratic Party; not from McKelvey, anyhow." I said, "excuse me, I don't know you." He says, "my name is Wesley Hall." And I said, "all right, if you don't want to take a drink don't turn a man down." I said, "I am a Democrat, and I will be a Democrat until I die," I said.

Mr. DANDO. Then what?—A. He says, "you will see who will be elected after election;" he said, "not one of the Democrats will be elected;" and I said, "if he is not elected that is not my fault, for I am working hard for it;" and I started to go on my way. They got talking, talking, talking, and I see that things were going too far. I don't know what the words were, but he said, "don't you know who we are? We are bosses." I said, "certainly, what is it, Mr. Swank?" He said, "we are bosses, we control you Italians when you came here; don't you know who we are, we are the bosses, and controlled you Italians when you got here to Lattimer and put you in jobs;" and I said, "you can control the dumb fellow, but you can't control me any more;" just like that, and I was as nervous as now, and he said, "who gave you the job?" and I said, "you didn't give me the job," and he said, "then, you will see it; who don't vote the way we see won't be here long."

Q. That is what Wesley Hall said?—A. Yes; and there were two more in there.

Q. Two more bosses?—A. I don't know whether they were bosses or not.

Q. Where is Swank?—A. I see him here now, there he is [indicating]. That is the one, and he was taking McKelvey's part.

Q. He was for McKelvey, was he?—A. He said so, and I said, "I don't believe you." I said, "you can say that, but I don't believe you."

Q. You are an Italian yourself?—A. Sure; I won't deny it either.

Q. How long have you been in this country?—A. I am here since 1888.

Q. Twenty-two or twenty-three years.—A. Yes.

Mr. JONES. We will not cross-examine him.

JAMES BRISLIN, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Where do you live?—A. Upper Lehigh.

Q. What is your business?—A. Miner.

Q. Were you judge of election at the last election?—A. Yes.

Q. Do you know of one Jim Roderick in Luzerne County?—A. Yes, sir.

Q. You know him by reputation?—A. The chief mine inspector, but I never met him.

Q. He is the chief mine inspector of the State?—A. Yes.

Q. Do you know Thomas Sereks?—A. Yes.

Q. What does Thomas Sereks do?—A. He is clerk in the department of mines at Harrisburg.

Q. He is under Roderick?—A. Yes, sir.

Q. But you never met Roderick?—A. No, sir.

Q. Whether or not he was at Upper Lehigh on election day?—A. He lives at Harrisburg, but he spent the day at Upper Lehigh.

Q. He lives at Harrisburg?—A. Yes.

Q. How long has he lived there?—A. About three years.

Q. Whether or not he was at the polls at Upper Lehigh on election day; that is, in Luzerne County, of course?—A. Yes, sir.

Q. Whether or not he went in and marked the ballots of quite a large number of foreigners?—A. Yes.

Q. Give in round numbers about how many.—A. I couldn't tell you exactly, but I would say about ten. Not all foreigners; he took in English-speaking people in, too.

Q. About how many English-speaking people?—A. I would say about ten altogether, all told.

Mr. JONES. Did Serek ever live in Upper Lehigh?—A. Yes; he was teaching school there for about three years; probably more.

Q. He voted on election day in Upper Lehigh?—A. Yes, sir.

Q. And he maintains a voting residence at Upper Lehigh?—A. Yes; that is all.

Q. But he does maintain a voting residence there and comes home to vote?—
A. Yes.

Q. These men whose ballots he marked first asked you for permission and said that they wanted assistance, and in accordance with the law you permitted them to take somebody in to assist them in marking their ballots?—A. Yes.

Q. And everything was done in accordance with the provisions of the election laws?—A. Yes.

Mr. LENAHAN. That is in so far as you believed the election law to be?—
A. Yes.

Mr. LENAHAN. I want to say that it was not done in accordance with the election law, under the statement as made.

Mr. JONES. The counsel for contestee objects to any further questioning of this witness for the reason that he was called off the stand by counsel for the contestant and was talked to within a few feet of the witness stand, and it is now stated that he is to be recalled.

(Witness recalled and further examined by Mr. Lenahan.)

Q. Do you know a man by the name of Mooney?—A. Yes, sir.

Q. For what ticket was Mooney working that day?

(Objected to as hearsay.)

Mr. JONES. The only way you would know that is by someone telling you?—
A. I saw him working for it.

Q. Did you hear him talking to anybody?—A. I saw him hustling around for voters, and saw him vote.

Mr. JONES. We renew our objections to this testimony as being hearsay evidence.

Q. What were the politics of Mooney before the last election, previous to the last election?—A. I would say he was a Democrat.

Q. Whether or not Mooney marked the votes of quite a large number of men.

(Objected to as hearsay evidence.)

A. I can't say that he marked them, but he took them in.

Q. Do you know Maurice Johnson?—A. Yes.

Q. What ticket was he working for?—A. The Republican ticket.

(Objected to as hearsay.)

Q. Was he taking in the booth a large number of voters who voted?—A. I think that he took in at least 10.

Q. Do you know a man by the name of Henry Cashner?

(Objected to as hearsay.)

A. Yes.

Q. Whether or not he went into the booth with voters?

(Objected to as above.)

A. He did.

Q. Can you give me any idea of how many?

(Objections as above.)

A. I could not.

Q. Do you know Walter Heckler? Was he there that day?

(Objected to.)

A. He was a watcher there.

Q. Whether or not he went into the booth with a large number of voters?

(Objected to as above.)

A. Yes.

Q. You were judge of election?—A. Yes.

Q. What was the vote cast there for Bowman and McLean?

(Objected to as not the best evidence, the record of the returns being the best evidence.)

A. I believe that Bowman polled 112 and McLean 10.

Cross-examination by Mr. JONES:

Q. These men whom you have mentioned, after talking to Mr. Lenahan, are marking ballots went in with the voters in the same way, after the voters having asked you for permission to have assistance?—A. Yes.

Q. And in all respects, so far as you know, the law was complied with?—
A. Yes.

Q. Were there any Democratic watchers there?—A. One.

Q. Did he mark any ballots?—A. No.

Q. Why are you so sure there were no Democratic ballots marked?—A. There was only one Democratic vote polled and he voted that.

Q. I thought you said McLean got 10 votes?—A. He did, but I am counting on the other votes. I think McKelvey had him hired as a watcher, and McKelvey got one vote.

Q. And McLean got 10?—A. Yes, sir.

Redirect examination by Mr. LENAHAN:

Q. Would these people that brought the different men, that you have named, in to mark their ballots state to you that they wanted some man to go into the booth with them?—A. In most cases the watcher would accompany them up to the chain.

Q. He came up in front of the election officers?—A. Yes.

Q. And then what?—A. The voter asked for permission.

Q. He asked for a ballot? The voter or the watcher, who?—A. It was mostly handed out.

Q. Then what happened? What did the voter say? When you handed him the ballot what did he say?—A. He asked permission to have this man accompany him into the booth.

Q. Is that what he would say? And you would then permit him to go in, is that right?—A. Yes.

Q. Now, there were some of these Hungarians who came up there to vote who couldn't speak English. Who did the talking for them? One of these Republican watchers?—A. I have never seen a foreigner coming to vote that couldn't talk English.

Mr. JONES. You were the judge of election?—A. Yes.

Q. Of course you read the election laws?—A. Parts of them.

Q. How long have you been judge of election?—A. That was my first term.

Q. Do you mean to say that these men didn't tell you that they were unable to mark their ballots?—A. They asked for assistance and I gave it to them.

Q. Assistance in marking their ballots?—A. I thought that was what they wanted, anyhow.

Q. You knew that is what they wanted, because they asked for it?—A. Yes, sir.

Mr. LENAHAN. What you really thought was that the watcher wanted to see that they voted the way the watcher desired? That is what you thought?—A. In a lot of cases.

Mr. JONES. Then why did you let that man go in with a voter?—A. Because I knew that these men couldn't really, without assistance, vote and mark their own ballot.

Q. Then you knew, as a matter of fact, that every man you permitted to have assistance could not mark his ballot?—A. Most of them; yes, sir; and from reading the election laws I understood that you had no right to question a man's inability to mark his ticket.

Q. And you are right; but you know from personal knowledge that most of them that told you that they couldn't mark their own ballot, could not?—A. Most of them; yes.

Mr. LENAHAN. You say that the same four men went in with all these men?—A. Yes; the regular watchers took most of them in.

JAMES BURBECK, called on behalf of the contestant and duly sworn by Commissioner Turner:

Examination by Mr. LENAHAN:

Q. Where do you live?—A. Eckley.

Q. What is your business?—A. Outside foreman.

Q. For whom?—A. Coxe Bros. & Co.

Q. You work for the Lehigh Valley Coal Co. in the colliery known as Coxe Bros. & Co.?—A. Yes, sir.

Q. These are the collieries that Bill Davis is superintendent of?—A. Yes.

Q. You were at the polls, I believe, on election day?—A. Not all day.

Q. You were there during part of the day?—A. I was there from 6 o'clock on.

Q. Until the polls closed in the evening?—A. Yes.

Q. What time did the colliery close that day?—A. We generally close at 5 o'clock.

Q. What were you doing at the polls all day after the colliery closed?—A. We don't generally go home until 5.30 o'clock.

Q. What were you doing there at the polls that day after the colliery closed?—A. I generally look after the boys.

Q. What were you doing at the polls?—A. After that?

Q. Yes.—A. I was outside watching around.

Q. For what?—A. Like a citizen; just taking stock of what was going on.

Q. Do you say you didn't talk to any of the voters as they came up to vote?—

A. I don't think that I did.

Q. Did you talk to anyone?—A. Not at that time.

Q. Did you before that time?—A. Not around the polls.

Q. Did you away from the polls, around your work?—A. Yes.

Q. What did you say to them?—A. Asked them to go and vote the Republican ticket.

Q. You asked them to vote the Republican ticket?—A. Yes, sir.

Q. When did you begin electioneering with your men for the Republican ticket?—A. On the day of election—that day.

Q. When, in the morning?—A. No; about noon.

Q. How many men did you have under you?—A. I had about 120.

Q. Now, how many of those men voted after you went to the polls?—A. I don't know that.

Q. About how many?—A. I can't say.

Q. Didn't they go to vote until the colliery closed?—A. Yes; any of my men that wanted to vote could vote.

Q. If a man came to you and asked to be allowed to vote he was permitted to go?—A. They didn't ask me, they asked the assistant breaker boss.

Q. They asked the man under you?—A. Yes; and I told him that any man that wanted to go and vote to let him go.

Q. Tell us the men whom you asked to vote for the Republican ticket that day?—A. John Gaffney, Joseph Packett, and Patrick Sweeney; that is all I asked directly.

Q. Who let them off to vote?—A. The breaker boss left them to go down to vote.

Q. Did you ask the breaker boss to let them go down to vote?—A. No, sir; he let them go and he let others go too.

Q. How do you mean?—A. These are the only ones that I asked personally.

Q. Did you ask anyone else?—A. Yes, sir.

Q. Gaffney is a Democrat, isn't he?—A. Yes; as a rule.

Q. And Sweeney is too?—A. Yes.

Q. And what is the other man—what is his politics?—A. I don't know.

Q. You thought you would fix his politics?—A. No.

Q. Why did you solicit men under you to vote contrary to what you knew were their political convictions?—A. I didn't ask them to; I asked them to give a vote to the Republican ticket.

Q. Why?—A. I thought that was a personal favor.

Q. Why?—A. To assist the man that I was working for.

Q. How would it assist the man you were working for to have these men working under you vote the Republican ticket?—A. I asked them as a citizen would do to vote the Republican ticket.

Q. Why did you ask men who are dependent on you for their bread and butter to vote a certain way?—A. I don't know why I did. Just as a matter of fact.

Q. You can't give any reason?—A. No.

Q. Did you think it was the right thing in a man employing others, men who were soliciting, or men who were dependent on you for their bread and butter, to solicit these men to vote contrary to the political convictions?—A. They were given the right to do as they saw fit. They were not forced to do as I asked them.

Q. Did you think you were acting as a patriotic citizen should do, to go and ask them to vote contrary to their political convictions?—A. I thought I had the right to ask them.

Q. Do you think that was the proper thing to do?—A. Yes.

Q. That is your idea of citizenship?—A. I thought that in respect there—

Q. Was it your idea of good citizenship to go and ask a man dependent on you for his bread and butter to vote the whole Republican ticket, as you asked these men to do?—A. I don't know.

Q. You don't know whether that is your idea of good citizenship or not?—A. No.

Q. Do you know Mike Surek?—A. Yes.

- Q. Was he a watcher there?—A. I think he was.
 Q. Did you talk to him?—A. Not that I know of: not that day. Oh, I may have spoken to him.
 Q. Didn't you tell him that he should vote the Republican ticket?—A. No, sir; I don't think that I did.
 Q. Did you have a talk with him?—A. Not that day, to my knowledge.
 Q. At any time before that day?—A. Probably before.
 Q. He was the Democratic watcher?—A. I think he was.
 Q. Employed by the Democratic Party to be a watcher at the polls and you knew it?—A. I thought he was.
 Q. Mike Surek worked for you, didn't he?—A. No.
 Q. For whom did he work?—A. He didn't work for me.
 Q. Didn't he work in the mines that you were one of the bosses in?—A. He didn't work for me; he worked in the mines.
 Q. Who did he work for?—A. In the mines under the mine foreman.
 Q. What is his name?—A. Mr. James.
 Q. You are the outside foreman and James is the inside foreman?—A. Yea.
 Q. All under Bill Davis?—A. Yes.
 Q. And this man worked under the other boss?—A. He worked in the mines. I am the outside foreman; I have nothing to do with the inside.
 Q. But I am talking about taking care of the coal. It is all one mine, and the men dig the coal out of the mines, and there are the men that work at the colliery where it is brought to: it is all one mine, but you work, as it is, in one part. You are the boss in one part and the other men are the bosses in another part?—A. I have said that he doesn't work under me and I have no jurisdiction over him.
 Q. But you went to that man, didn't you?—A. I spoke to him; yes: before the election.
 Q. What did you say to him?—A. I guess that I asked him to vote the Republican ticket.
 Q. Who besides you?—A. Brehm and Henry, I think.
 Q. Who is he?—A. The stripping foreman.
 Q. Works for the Lehigh Valley Coal Co.?—A. No; works for Kyle.
 Q. There were two bosses of you there and one of the Republican candidates, and the three of you asked this man to vote the Republican ticket?—A. Yes.
 Q. And you knew at this time that his man was a watcher?—A. On election day; I didn't know positively before that.
 Q. I will ask you the question again. Didn't you tell him if he didn't support the Republican ticket he would lose his job?—A. No; I didn't mention any such thing as that.
 Q. What did you say to him about his work?—A. I didn't mention anything about his work. I have no control over his work.
 Q. Yes; we know how that is. What did you men say to him besides asking him to vote the Republican ticket?—A. That is all he was asked.
 Q. What did he say to you?—A. I don't remember what he said. He said probably he would, but McKelvey was a good friend of his.
 Q. Did he say that he would probably vote the Republican ticket?—A. Yes.
 Q. Why did you ask that man to vote the Republican ticket?—A. Because we thought we needed him.
 Q. And because he worked in the mines, in a department that you were boss in?—A. No, sir; he did not.
 Q. Will you tell me a man you asked to vote, an outside man, who worked in the mines or around the mines, in one of the departments in which you were boss?—A. I don't recall any.
 Q. Were you present at a meeting of the Hungarians just before election: you, Brehm, and James?—A. Not with them.
 Q. Who were you with?—A. Mr. Henry and I was there.
 Q. Where was this meeting?—A. At the schoolhouse.
 Q. Who did the talking there?—A. I don't remember; I don't think they held any meeting.
 Q. You say there was to be a meeting?—A. There was supposed to be a meeting, but I don't think there was any action taken.
 Q. Wasn't some one there?—A. I don't think anybody came there.
 Q. Did you say anything there?—A. No; not as a meeting.
 Q. Did you say anything outside of the meeting to the men?—A. No; in fact, we came there and there was not enough there.

Q. Didn't you say a word to them about politics to those there?—A. We may have said offhand you want to vote the straight Republican ticket, but there was no meeting.

Q. You did say to them that they were to vote the straight Republican ticket?—A. We told them we wanted every vote to be as a Republican.

Q. You said you wanted every vote to be for the Republican ticket?—A. Yes.

Q. You said that?—A. Yes.

Q. As a boss?—A. Yes.

Cross-examination by Mr. JONES:

Q. Where did these men work?—A. Some in the mines and some in the stripings, and some in the breaker.

Q. This man Surek was actually at the polls as a Democratic watcher on election day?—A. Yes; on the day of election.

Q. You had asked him some time before?—A. Yes.

Q. And notwithstanding that he was there as a Democratic watcher?—A. Yes.

Q. And nothing was said to him?—A. Not to my knowledge.

Q. And he is still working, is he?—A. Yes.

Redirect examination by Mr. LENAHAN:

Q. Who was it said there at that gathering, if you don't call it a meeting, who was it said there, we want you to vote the Republican ticket, and these are the orders of the big boss?—A. Nobody.

Q. Who is the man known as the big boss in connection with the workings of the Lehigh Valley Coal Co.?—A. I don't know, unless it is Davis.

Q. Bill Davis, isn't it?—A. I say I don't know unless it is him. I never heard that mentioned there at Eckley.

Q. You have never heard him called that, have you?—A. No.

Q. Come up to Wilkes-Barre, 20 miles away. He is very active in politics, isn't he?—A. I don't know whether he is.

Q. Did he ever talk politics to you?—A. No.

Q. At no time?—A. No.

Q. Bill Davis never said anything to you about politics?—A. No.

Q. Since you were there?—A. No.

JOHN HENRY, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Where do you live?—A. Eckley.

Q. What is your business?—A. Foreman.

Q. For whom?—A. F. H. Kyle.

Q. A coal operator?—A. Stripping contractor.

Q. That is, he strips off and turns the coal out?—A. No; we strip the soil; we have nothing to do with the coal.

Q. Are you doing that for Coxe Bros. & Co.?—A. The Lehigh Valley Coal Co.; it used to be Coxe Bros. & Co.

Q. Are you doing that for the Lehigh Valley Coal Co.?—A. I don't know that.

Q. You don't know who he is doing that for?—A. I think it used to be Coxe Bros. & Co., but I don't know who he is doing it for now.

Q. You know that the Lehigh Valley Coal Co. bought Coxe Bros. out? It was common talk in the newspapers.—A. Yes, sir.

Q. Then you know it?—A. No; I don't.

Q. That they bought all their coal land in this section and are operating them?—A. Yes; I understand they did.

Q. How long have you been foreman or boss for Kyle?—A. About six or seven months.

Q. Six or seven months?—A. Yes, sir.

Q. Where were you before you came there?—A. Working for Kyle.

Q. At what?—A. Running a steam shovel.

Q. You were pretty active in the last campaign, were you not?—A. Oh, no.

Q. Let us see. According to the last witness you were.—A. Well, I worked.

Q. You called on this last witness, you and Brehm, the candidate for the legislature, and saw this man, Mike Surek?—A. I saw him.

Q. At what place?—A. In his garden.

Q. What brought you over to see him?—A. I went over to see him to see if we could get him to work for us.

- Q. Work for whom?—A. ~~Braham~~.
- Q. That was in Eckley you called on him?—A. Yes.
- Q. Was he asked to work for the Republican ticket?—A. Previously he had been a Republican, as far as I know.
- Q. That day he was asked to vote the Republican ticket?—A. What day?
- Q. The day that you were there with this last witness and Braham, in Eckley.—A. We went up there to get him to work for us; yes; the Republican ticket.
- Q. And you did ask him, didn't you?—A. Yes.
- Q. What time of the day did you go up?—A. In the evening.
- Q. What time?—A. Seven or eight o'clock; I don't remember which.
- Q. Was it you who made the remark that he had no damn business living in Eckley and voting the Democratic ticket?—A. No.
- Q. Who made that remark?—A. I don't know.
- Q. Did you hear that remark made?—A. No.
- Q. What did he say when you asked him?—A. Asked him what?
- Q. To vote the Republican ticket.—A. He said that he would.
- Q. Why did you go to him?—A. Because, as I told you, to see if we could get him to work for us.
- Q. Did you know his politics?—A. Yes; I considered he was a Republican.
- Q. Why did you go to him?—A. Because we heard that he was going to be against us.
- Q. Then you heard that he was going to vote the Democratic ticket?—A. Yes.
- Q. And that is what brought you up?—A. Yes.
- Q. You were at the Hungarian gathering afterwards?—A. Yes; I was there.
- Q. Who did the talking there?—A. Nobody as I know; we all did talking, I guess.
- Q. Who did the talking?—A. I did some and Burbeck did some.
- Q. And who else?—A. The Hungarians and men there.
- Q. Who else talked there?—A. That is all I know.
- Q. What did you say to them about voting the Republican ticket?—A. I asked them if they would stand with us and work together and vote the Republican ticket.
- Q. What did Burbeck say?—A. I don't know.
- Q. You were there?—A. Yes.
- Q. Don't you remember what he said?—A. No.
- Q. Didn't you hear Burbeck say, "We want you, we, the bosses?"—A. No.
- Q. Did he say we want you to vote the Republican ticket?—A. No.
- Q. You didn't hear him say that?—A. I didn't hear him say that.
- Q. But you were there?—A. I was there.
- Q. And if he said it you would have heard it?—A. I don't know; I have told you that I didn't hear it.
- Q. Did you hear him testify that he did say so?—A. No; I don't remember.
- Q. You were here when he was on the stand?—A. Yes.
- Q. And don't you recall that he testified that he said to those men, "We want you to vote the Republican ticket?"—A. No.
- Mr. JONES. He didn't say that.
- Q. You say not within your presence: within the last five minutes this man Burbeck didn't say, in response to my question, that he said to those Hungarians there, "We want you to vote the Republican ticket?"—A. I didn't hear him say that.
- Q. You didn't hear him testify to it here?—A. I don't remember whether I did or not.
- Q. Although you sat within 15 feet of him when he testified?—A. Yes.
- Q. Do you know John Marko?—A. Yes.
- Q. What is his business?—A. He sells beer.
- Q. Who owns the property in and around Eckley, what mining company?—A. I guess it is the Lehigh Valley.
- Q. Did you talk to him?—A. Did I talk to him? Didn't I say yes?
- Q. Never mind that day, any day last fall?—A. Yes; when he talked to me.
- Q. Where?—A. In Eckley.
- Q. What did you say to him?—A. I don't know.
- Q. Can't you recall what you said?—A. No.
- Q. How long were you talking to him?—A. I don't know.
- Q. Haven't you any idea of what you said to him?—A. No; sometimes I dropped in and took a drink of beer, and that is all.
- Q. I am asking you about politics.—A. It all went together.

Q. Don't you remember any talk you had?—A. Don't you remember any talk?

Q. Any talk that you had with him at all?—A. No.

Q. Did you solicit him to vote the Republican ticket?—A. No.

Q. Did you speak to him about voting the Republican ticket?—A. No.

Q. You never said a word to him about voting the Republican ticket or about his voting for any man on the Republican ticket?—A. Yea.

Q. Who?—A. I wanted him to vote for Brehm.

Q. What did he say to you?—A. I don't remember.

Q. What did you say to him?—A. I don't remember.

Q. Let me refresh your recollection. Didn't he say to you that he wasn't going to vote for Brehm, and that he was going to vote for McElvey; that he was a friend of his?—A. One time he did and one time he didn't.

Q. What did you say to that?—A. I don't know what I said.

Q. Didn't you say if you don't vote for Brehm you won't sell any more beer in Eckley?—A. No.

Q. You never said anything like that?—A. No.

Q. And you never heard of it before?—A. No.

Q. Do you know John Brattish?—A. Well, I might. I might know him if I saw him, but I couldn't tell you who he is.

Q. John Brattish is the president of the local union there; do you know him?—A. No, sir; I don't.

Q. You never went to John Brattish; you never saw John Brattish, who was present at this meeting this night at the schoolhouse that you and Burbeck mentioned?—A. I don't know.

Q. You don't identify him yet?—A. No.

Q. Did you ever say to him, we want you fellows to line up for the Republican ticket?—A. No.

Q. You had no such talk as that with him, did you?—A. No.

Q. And you don't know the man now?—A. I don't know who you mean when you say John Brattish.

Q. I designate him by characterization that can not escape identity on your part. I tell you he is the head or president of the local union in Eckley, and that in addition he was at the schoolhouse meeting the night that you and Burbeck were there, and you say that you don't know him?—A. No; I don't. I don't know the head or the president of the local union, as you call it.

WARREN DRUMHELLER, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. You were the judge of election at the Lattimer district at the last election?—A. No, sir.

Q. What office did you have?—A. I had no office.

Q. Weren't you judge of election?—A. No, sir.

Q. What is your occupation?—A. Breaker foreman.

Q. At what colliery?—A. Lattimer No. 4.

Q. Did you vote at that election? Can you describe how the voting booths were placed with reference to the position of the election officers?—A. Yes; plainly.

Q. Were you at work on election day at the polls?—A. Yes, sir; I worked until half past 5.

Q. At the polls?—A. No; at the colliery.

Q. Were you at the polls?—A. No; I didn't work there at all.

JOHN EVANS, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Where do you live, Mr. Evans?—A. I live in Hazle Brook.

Q. What is your business?—A. Superintendent.

Q. For whom?—A. J. S. Wentz & Co.

Q. Where is their operations?—A. Hazle Brook.

Q. Is there any other mine or operation there?—A. No.

Q. Are you the general manager?—A. No; superintendent.

Q. Not general superintendent?—A. No general in there.

Q. You are the superintendent, then?—A. Superintendent.

Q. Who is the general manager?—A. Mr. D. E. Snyder; he lives in Hazleton. Q. Has he any other mines under his jurisdiction, excepting Hazle Brook?—

A. Yea.

Q. What are they?—A. The Mary D. colliery and the Mid-Valley colliery.

Q. Where are they located?—A. One is in Schuylkill and the other is in Northumberland County.

Q. And this one that you are superintendent of is in Luzerne County?—

A. Yea.

Q. How many men do you employ?—A. 230.

Q. Are they employed and discharged by your directions?—A. No; the foremen.

Q. Who is the foreman subject to?—A. To me.

Q. He is employed by you?—A. Yea.

Q. He is subject to your directions?—A. Yea, sir.

Q. I believe you got some money in this last election, did you not?—A. Yea.

Q. You got \$110?—A. No, sir.

Q. How much did you get?—A. I got \$10.

Q. Guscott says he gave you \$110. From whom did you get the \$10?—A. James Brehm.

Q. Then you didn't get \$110 from Guscott?—A. No.

Q. That is a mistake on Guscott's part.—A. I don't know anything about that; I know that I didn't get it.

Q. What did you do with that?—A. Paid it to watchers.

Q. Is that all the money you got altogether, \$10?—A. Yes.

Q. You got no other money from any other quarter, did you?—A. Yes; in the primaries.

Q. How much?—A. \$25.

Q. From whom?—A. James.

Q. But at the general election you got no money except this \$10?—A. Yes.

Q. Through any source?—A. Yea.

Q. And you paid out no money at all?—A. No; only the \$10.

Q. And you paid out that money to two watchers?—A. Yea.

Q. Has J. S. Wentz & Co. got any other mining operations except the one you are superintendent of in Luzerne County?—A. In this locality?

Q. Yes.—A. That is all that I know of.

Q. Then the only operations that they have are in Foster Township, Luzerne County, and you are the only John Evans that is superintendent or manager for them for their mines in Foster Township?—A. That is all I know of.

Q. Are there any other coal operations at Hazlebrook, outside of G. B. Wentz & Co.?—A. No.

Q. They own the land in that locality?—A. They lease it.

Q. They control it?—A. Yes.

Q. And the men who occupy it as tenants are all men who work for G. B. Wentz & Co.?—A. Yes, sir.

Q. That is right. And they have them under lease, haven't they?—A. Yes.

Q. And they stop their rent from their pay as workmen?—A. Yes.

Q. And there is no one else has control of any land at Hazlebrook outside of Wentz & Co.?—A. No.

Q. And the same process is gone through with reference to the store bills?—A. Yes.

Q. And the men deal in that store, and out of their wages is stopped the store bill?—A. Yes.

Q. And Wentz & Co. control the store also, don't they?—A. Yes.

JOEL F. STEVENS, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Mr. DANDO. You were subpoenaed as "Joseph Stevens?"—A. I have the subpoena here.

Mr. DANDO. The person now called, answering to the name of "Joel" Stevens, the contestee has no notice of the calling of such person at this time or at any previous time, and we object to the testimony of this witness. The subpoena produced by the witness being directed to "Joe" Stevens, Jr. That is another name we have not on our notice.

MR. LENAHAN. Your name is Joseph Stevens?—A. My name is Joel.

Q. You are called "Joe" at times?—A. That is what I generally go by.

Q. The subpoena is, I don't know whether it is "Joe" or "Joel," but it speaks for itself. It is either "Joe" or "Joel." You were at the election?—A. Yes, sir.

Q. You were the judge of election?—A. Yes.

Q. In Hazlebrook?—A. Yes, sir.

Q. What is your business?—A. Miner.

Q. At Hazlebrook?—A. Yes, sir.

Q. Had you ever acted Judge of election until last fall?—A. Yes.

Q. How long have you been Judge of election?—A. I believe this was my third term or the fourth term.

Q. Is your father alive?—A. Yes.

Q. What is his business?—A. He was a miner up to this year; he is working outside now.

Q. I believe you allowed three parties at the last election to go in the booth with voters and mark their tickets, didn't you?—A. What three is that, Mr. Lenahan?

Q. Outside of the voter himself you allowed parties to go in with the voter? Third parties.

MR. DANDO. You mean the second party?

A. There is nobody went in there that didn't get consent from me to go in.

Q. Will you answer the question? I didn't ask that. You allowed three parties to go in with others?—A. I allowed persons to go in, yes.

Q. How many votes were cast there that day?—A. That I can't just recall.

Q. How many men did you permit to go in with the voters?—A. That I can't say at the time, either.

Q. How many voters brought people in with them?—A. Voters?

Q. Yes.—A. Well, the only one that I remember that any one took in was the regular watcher.

Q. How many voters were there that brought people in with them? Not how many went in with them, but how many who took men in with them to mark their tickets for them?—A. That I can't say.

Q. You can't tell that, either?—A. No.

Q. I wish you would tell in your own way how you came to permit three parties to go in the booth with the voters. State what they said; give their language?—A. You meap when a man comes and asks permission.

Q. Yes; tell exactly what he said. You talk as though he was doing the talking.—A. They would come to the guard rail and call out their name; I would recognize them from the chair, and they would come and get a ballot, and then they would ask me for help, and then naturally they would say who they wanted.

Q. Tell what they actually said?—A. They said, "I want Mr. So and So to go in and show me how to do that—to mark my own ballot."

Q. Then, as I understand, their language would be this: They would come and call out their name, and you would recognize them and hand them a ticket, and they would say we want help; is that the language they would use?—A. Yes.

Q. And you would ask them who they wanted as help?—A. No.

Q. What would you say when they said they wanted help?—A. "I want help," as I told you before. "I want Mr. So and So," whoever the man was that they would want to select.

Q. That is, they would say, I want Jones, as I told you before?—A. No.

Q. I want you to give me the exact language that they would use to you. They said, I want help?—A. If you want me to tell you in Slavish I will tell you.

Q. No; I want it in English. When I want it in Irish or Slavish, I will let you tell me?—A. In Irish you got me.

MR. JONES. Counsel for the contestee object to Mr. Lenahan standing with his foot on the platform where the witness is seated, within two feet of the witness' body, directly over him, and I now ask both commissioners in this contest to request Mr. Lenahan to maintain a respectful distance from this witness.

MR. LENAHAN. I say the affirmation there is untrue, in that I am not over the witness at all.

Q. Now, Mr. Stevens, am I far away enough from you so that you are not intimidated by my presence?—A. You can sit on my knee, as far as I am concerned; I am not afraid of him.

Q. Now, I want to get the exact language used. I will repeat it again as I was about to do when interrupted by my pugnacious friend to the left. The voter came in, accompanied by a watcher; is that right?—A. Yes.

Q. A regular watcher. Who was the watcher that usually accompanied him?—A. There were two watchers there; do you want their names?

Q. Yes.—A. William C. Stevens and Andrew Bachael.

Q. What relation is Stevens to you,—A. He is a brother.

Q. Well, one of these watchers came into the room?—A. Yes.

Q. And stepped up with the voter?—A. Yes.

Q. And then the voter would announce his name, and you would hand the voter a ticket?—A. Not until I saw he was on the register.

Q. And after you discovered his identity?—A. Yes.

Q. Then you wouldn't hand him a ticket? The inspector would hand him the ticket?—A. Yes; the inspector would hand him one.

Q. I am talking about the board. Talking about you in a collective capacity. After a ticket was handed to him he would say, "I want help" is that right?—A. Yes.

Q. Then you would say what? Give us the exact language you used.—A. I would say, "Who do you want?"

Q. Then what would he say?—A. Then he would mention the man's name.

Q. Tell what language he used. Give us one instance. That is what I want to get at.—A. He would say I want Bachael, or probably Mr. Stevens.

Q. Then what would you do?—A. Then I permitted them to go in.

Q. That is all that took place there, is it?—A. That is all that took place there, sure.

Cross-examination by Mr. DANDO:

Q. In other words, the voter would tell you that he was unable to handle the ballot?—A. Yes.

Q. That he was ignorant or couldn't read the ballot, and could make his mark, and when he told you this you would ask him to designate a man to go in and mark his ballot for him?—A. Exactly.

Q. And that was done in the presence of all the Democratic watchers and the minority inspector and his clerk?—A. Yes.

Q. And there was no objection?—A. No.

Q. And everybody got the same treatment?—A. Yes.

Redirect examination by Mr. LENAHAN:

Q. I asked you the exact language used by the voter when he came up and asked for a ticket, and after it was handed to him you said that the voter said, "I want help," didn't you?—A. To fix my ballot.

Mr. DANDO. Objected to because the witness did not use that language at the time.

Q. Didn't you say to me that the voter said, "I want help"?—A. Yes.

Q. Didn't I ask you what else the voter said, and didn't you say that the voter said, "I want such a man, either Stevens or the other man, Bachael"?—A. Yes.

Q. And didn't I ask you if that was all that was said?—A. That is all that was said there.

Q. And didn't you say that was all that was said?—A. That is all that was said there.

Q. And that is true?—A. Yes.

Q. Now, in response to Mr. Dando's question, that that operation was indulged in in regard to the Democrats as well as Republicans, didn't you—answer the question, now, did you testify to that?—A. Let me hear the question again, if you please.

(Question read to witness.)

Q. Did you testify to that?—A. That is what I said.

Q. That is not so. No Democrat was helped at all.—A. There is no Democrats in Hazel Brook.

Q. Exactly. There was no Democrats helped at all.—A. There couldn't be when there was no voters.

Q. Just answer the question.—A. No.

Q. Then why did you swear that was so as to Democrats as well as Republicans?—A. For there was no Democrats there; that is the reason.

Q. I asked you why you swore to that?—A. For you asked me, or rather that was what I understood.

Q. I didn't ask you that. Your own lawyer asked it. Then it is untrue that that was the process enacted as to Democrats?—A. I said anybody that came there.

Q. Answer my question yes or no. Then it is untrue, is it, that that is the process enacted with reference to Democrats?—A. All that was said there, I told you—

Q. There were two votes cast for McLean, weren't there?—A. Yes; but they were not any straight Democratic votes.

Q. They didn't have any helpers at all?—A. No; as far as I know. I don't know who they were that done that.

Q. If you did they would lose their jobs?—A. Not through me. I am a working man myself and I have to work pretty hard.

CHARLES HARVEY, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. LEAHAN:

Q. What is your business?—A. Mine foreman at Drifton.

Q. Your name is Charles Harvey?—A. Yes.

Q. Under what company do you work?—A. Coxe Bros. & Co.

Q. You work for the Lehigh Valley Coal Co.?—A. Well, I don't know. The checks are all paid by Coxe Bros. & Co. checks.

Q. You don't know who you work for?—A. Certainly I know, but you mean by that who—

Q. Don't you know that the Lehigh Valley Coal Co. bought the operations of Coxe Bros. & Co., and among them they bought the place you work?—A. They are operating the collieries.

Q. And you are under the supervision of Bill Davis?—A. Yes.

Q. You are working for the Lehigh Valley Coal Co.; that is correct, is it not?—A. Coxe Bros. & Co. pay us with their checks. It is headed Coxe Bros. & Co.

Q. Who signs the checks?—A. I do.

Q. You sign the checks, do you?—A. Yes.

Q. Where are the checks payable on?—A. Payable by the Lehigh Valley Coal Co., I suppose.

Q. The Lehigh Valley Coal Co.?—A. Yes.

Q. Come, be honest now; you are working for the Lehigh Valley Coal Co.?—A. All right; I am working for the Lehigh Valley Coal Co.

Q. And you know that the Lehigh Valley bought out Coxe Bros. & Co. several years ago?—A. Yes.

Q. Then why didn't you say so?—A. All right.

Q. Mr. Harvey, you discussed politics, I suppose, before election?—A. No, sir.

Q. You never talked politics?—A. No; I am no politician at all.

Q. That is what all politicians say.—A. I don't know anything about the game.

Q. What time did you go to the polls on election day?—A. It may have been about 3 o'clock.

Q. How long were you there?—A. Probably an hour or two.

Q. What were you doing there?—A. Watching was going on around there—looking around there—talking to the men that were there.

Q. What were you talking about?—A. Bill Gillespie and I talked a great deal of hunting and other people on different subjects.

Q. Did you talk politics at all?—A. Very little.

Q. Did you talk any?—A. I don't think that I did.

Q. What time did you leave your work that day?—A. Probably half past 2.

Q. Did you go home before you went to the polls?—A. Yes, sir.

Q. You went home and washed?—A. No; I washed at the colliery.

Q. You washed at the colliery and went home?—A. Yes.

Q. Did you get anything to eat at home?—A. No.

Q. And you left your home to go to the polls about half past 3?—A. Yes; 3 or half past 3.

Q. When did you get home?—A. In time for supper, about 5 o'clock.

Q. And during all that time that you were there you had no talk about politics to anyone?—A. We had some little dispute in the voting place about the election laws and such like.

Q. Did you participate in the dispute?—A. Yes; a little.

Q. Who were you disputing with?—A. There with the watcher, Kennedy.

Q. The Democratic watcher?—A. Yes.

Q. Kennedy was the overseer of the board, wasn't he?—A. Yes.

Q. What was the dispute you had with him?—A. As to the authority of the watcher; we were all talking and I don't suppose anybody knew much about it, but we tried to learn what we could.

Q. What are you disputing about?—A. About the watcher's authority.

Q. How did that come up?—A. It came up by challenging every vote that came there and taking charge of their papers; made them swear whether they paid their taxes and such like.

Q. Who said he had no right to do it?—A. I didn't think he did.

Q. Did you know he was the overseer?—A. Yes.

Q. And you interfered with this overseer when he did what was his duty, because he challenged men he thought had no right to vote, did you?—A. No; I wouldn't like to say that either.

Q. You say you challenged his authority, did you do that?—A. Yes; we questioned it more than the way it was done.

Q. Why did you, a mine boss, come away from your work at 2 or 3 o'clock in the afternoon and go over there to raise a rumpus with this Democratic overseer?—A. Hadn't I as much right to be there as anyone else; ain't I a citizen.

Q. Maybe you had as much right, but why did you do it?—A. I thought if there was any question about it there should be justice.

Q. What was the question, the right of an overseer or a citizen to challenge the vote of any man who thought he had no right to vote. What question could there be about that?—A. I don't know about that.

Q. The truth is, that you, a mine boss, went over there to intimidate the Democratic overseer.—A. No, sir; I did not.

Q. Tell me again why you interfered with this man when he was discharging his proper duty?—A. Because I didn't know that he was discharging his proper duty; I didn't think he was.

Q. Wherein did you think he wasn't discharging his duty?—A. I thought he had a right to take all complaints that came there and put them before the court.

Q. You thought it was his duty to let any man vote and go and arrest him afterwards?—A. Yes, sir.

Q. In other words, after the horse was stolen to lock the barn door?—A. Yes; take him to Wilkes-Barre and prosecute him.

Q. You have been how long a citizen of this country?—A. Twenty-five or 26 years.

Q. You were born in this country?—A. Yes.

Q. You have been a voter for 25 or 26 years?—A. Yes.

Q. You have been a foreman how long?—A. Two years.

Q. Where were you before that?—A. Assistant mine boss at No. 16.

Q. And you are a man, you can say without vanity, of common intelligence?—A. Yes; I think so.

Q. You hold a mine foreman's certificate and that requires considerable knowledge?—A. Yes.

Q. And you say now that, as a citizen, with your experience as a voter for 25 years that your idea of the duty of the election officer was to let any man vote; that it was his duty to let any man vote and then to go and arrest him afterwards?

Mr. DANDO. He didn't say election officer, he said overseer.

A. Election overseer.

Q. Then your idea was as a citizen, as you have been for 25 years, that an overseer had no right to challenge a vote?—A. Not as long as the judge of election said he was a voter.

Q. If a judge of election said a man had a right to vote then the overseer had no right to challenge the vote?—A. No; I don't say that. If I was judge of election there for two or three years in succession, and examined a man's tax papers and tax receipts and knew he was a voter, I think the overseer had the right to abide by the decision of the judge.

Q. And he should not challenge the man?—A. Well, he didn't challenge him.

Q. You were judge of election yourself, were you?—A. No.

Q. At any time?—A. No.

Q. Did you ever serve on the board?—A. No.

Q. But you raised a discussion with one of the officers on the election board?—A. I didn't raise the discussion.

Q. Who did?—A. I don't remember, but I dipped in when it was going on.

- Q. Was there any other mine boss there beside you?—A. No.
 Q. Tell us the name of the men on the board?—A. John Hughes was on.
 Q. Where does he work?—A. In the machine shop.
 Q. What machine shop?—A. At Drifton.
 Q. For what company?—A. The Lehigh Valley.
 Q. The company that you are foreman for?—A. Yes.
 Q. Who else was there on the board?—A. I disremember who it was just now.
 Q. You don't remember that?—A. No.
 Q. They were all men who worked for the Lehigh Valley on that board?—A. Yes.

Q. Was your attention called to the election laws while you were there—posted up—the election laws?—A. They were posted up there.

Q. Was your attention called to them?—A. No.
 Q. And wasn't it said that you were violating those laws posted there?—A. No.

Q. And wasn't it said you would subject yourself to arrest?—A. No.
 Q. And were you not boisterous?—A. No.
 Q. And didn't you talk loud?—A. I am not a low speaker at any time.
 Q. You speak low now.—A. I don't think I do.
 Q. You are not where you can boss anybody. Tell me why you participated in the dispute there—why you left your home and the mines to come over and attempt to interfere with that election board?—A. I didn't attempt to interfere; there was a discussion.

Q. Now, you are something of a politician there, aren't you?—A. No.
 Q. Didn't you start to interject your knowledge of politics with reference to the election law and attempt to enforce upon the election officers your views, that were contrary to this other man's?—A. No; I didn't attempt to enforce; I only gave my own.

Q. Why did you give your own? You are not an election officer, are you?—A. No.

Q. He was a general election officer?—A. Yes.
 Q. Then why did you participate in any dispute?—A. Well, I don't know. I guess probably I had no right to, but I did, simply.

Q. You did it because you are a mine boss?—A. No.
 Q. What did you say to that man that you took in to vote there?—A. I said nothing. I didn't know who he was.

Q. Did you take a man—did you take a man in?—A. Yes.
 Q. But you don't know who that man was?—A. No; I was talking to Bill Gillespie with my back toward the board at the time, and that man walked up and asked for a ticket and asked for Harvey to go in with him, and I turned around and went in with him.

Q. This man whom you didn't know and can't tell now?—A. I knew him then, but I can't tell him now, as I didn't pay any attention to him.

Q. That is what started the row?—A. No; the question was on before that.
 Q. Tell us what that man said when he asked for Harvey to go in?—A. I couldn't say, as I don't know.

Q. Didn't Kennedy say that you had no right to go in with him?—A. No; I don't think I had no right. Why didn't they stop me?

Q. Because you are a mine boss, and if they stopped you they would lose their positions in the mines?—A. No; that ain't so.

Q. So you had a personal matter in this. You didn't tell us until Kennedy stepped up and told us. You had a personal matter?—A. No.

Q. Didn't you attempt to vote a man there?—A. When I was picked.
 Q. Didn't you?—A. Yes; that man picked me.

Q. Why didn't you tell us about that?—A. I was waiting until you asked me. I will not tell you about anything until my attention is called to it.

Q. You were not active in politics, although you were there, ready to go in if a man asked you?—A. Yes.

Q. Did you know at that time who that man worked for?—A. No.
 Q. Did you know at the time?—A. Yes; he was a foreigner, and could not speak very much English, but I couldn't tell you whether he works in the breaker or in the machine shop or in the mines.

Q. But you know that he worked for the Lehigh Valley Coal Co. somewhere?—A. Yes.

(Hearing adjourned until 7 p. m.)

Now, Tuesday, March 21, 1911, hearing resumed at 7 o'clock p. m., pursuant to adjournment.

Contestant offers in evidence notice of hearing and list of witnesses, as follows:

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To Hon. C. C. BOWMAN, contestee, or Hon. FRANK W. WHEATON, or EVAN C. JONES, esq., his attorneys.

You are hereby notified that on Wednesday, March 22, 1911, at 10 o'clock in the forenoon, at the police court room, City Hall, No. 53 Wyoming Street, city of Hazleton, and at such other times and places to which adjournment may be taken and such other witnesses as may hereafter be subpoenaed and notice of their production given to you before Arthur L. Turner, a notary public of the city of Wilkes-Barre, residing in the city of Wilkes-Barre, in said county, and duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas, and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Chester Kerbaugh, Hazleton, Pa.

GEORGE R. MCLEAN, Contestant.

Service accepted March 20, 1911.

EVAN C. JONES, Attorney for Contestee.

It is agreed between counsel for contestant and counsel for contestee that the depositions of Chester Kerbaugh, of Hazleton, Pa., named in the foregoing notice of hearing for Wednesday, March 22, 1911, may be taken at this hearing instead of on Wednesday, March 22, 1911.

CHESTER KERRAUGH, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Where do you live?—A. Hazleton City.

Q. You represented this legislative district in the legislature last session, did you not?—A. Yes, sir.

Q. And you were a candidate for the nomination on the Republican ticket at the last election—the primaries—the primary election?—A. Yes.

Q. If at any time during the summer of 1910 you had any talk with Jonathan Davis, in which he gave you or offered to give you any money, I wish you would go on in your own way and tell all that took place—took place between you and him.

Mr. DANDO. As to any conversations or any matters between him and yourself.

Q. Prior to primaries of June 4, 1910—

Mr. JONES. This is objected to as irrelevant and incompetent, being in relation to matters not at issue and not contained in the notice of contest.

Q. Proceed.—A. Well, some time in May, probably along about the 1st or the 10th—I haven't the letter he wrote me, asking me if I would call to see him; that he would like to see me on a business matter. I was pretty busy with my own campaign and I didn't get to Wilkes-Barre during the fore part of May. I went to Wilkes-Barre the latter part of May and I called on him. And when I went into his office he shook hands and was glad to see me, but he was very busy, and he seemed to have a good many people around there, and he had a real-estate deal on, and he fixed up two or three people around his office; he handed me one, and I seen it looked like a check; and I said, "I want to have some understanding about it what it is for," and he said, "Wait a minute till I take these people down and show them how to get out to my property; they are in a hurry; I will be back in a few minutes." I waited for a few minutes, but he didn't come back, and I went out of his office—out of the Second National Bank Building—and I then went up to the courthouse to do a little business that I had to attend to there; and after that I went to dinner; and about half-past 1—about that time—I was going down to the Coal Exchange Building, on West Market Street, and on the corner of West Market Street and the corner of Franklin Street I met him.

Q. Who was with him when you met him?—A. Mr. Bowman.

Q. Mr. Bowman was at that time the candidate for Congress from this district?—A. Yes; and he noticed me and they came over to me and he said

wait a minute. By that time somebody else came along and three or four people got to talking with the candidate and I called Jonathan to one side and said, "I want to know what this is for." and he said, "You ought not to ask that; that is all right; you take this." I said I don't want it, I haven't got time to look after anybody else's fight; I have my own fight to look after, and he said this is all right. You should not hesitate to take it, everybody else is taking it.

Q. He said that everybody else was taking it?—A. Those are the words that he used. Certainly, I don't know what he meant by that; whether he meant that everybody in the county was taking it or every other candidate, but I said no, this doesn't suit me, as I have no time to look after Mr. Bowman's interests, as I have my own trouble at this time and I have to look after it, and I insisted on his taking the money back, but he would not.

Q. You insisted on his taking the check back?—A. Yes; and he would not do that and I put the check in my pocket, and this was on the 31st day of May, if I remember rightly, about the last of May, and when I got home I changed my clothes and put the coat that I had on away and I had this check in my pocket and I never thought about it or hunting it up until I saw this contest coming on and I saw that they were going to take these matters up and that probably by going over the stubs they would charge that up to me, and I didn't want that, as I had not received it, and, furthermore, I didn't want any of his money.

Q. Have you the check now?—A. Yes.

Mr. DANDO. We want this back, and Chester is the first fellow that refused money that I ever heard of in Luzerne County.

Mr. LENAHAN. Offer the check in evidence, as follows:

Johnathan R. Davis, real estate, fire insurance.

No. 804.

WILKES-BARRE, May 31, 1910.

Pay to the order of Chester Kerbaugh, \$25.

To the Wilkes-Barre Deposit & Savings Bank, Wilkes-Barre, Pa.

JONATHAN R. DAVIS.

A. Can I say another word?

Q. Yes.

Mr. JONES. The offer is objected to for the same reasons set forth in the previous objection.

Q. Go right on.—A. When I offered him this check back he said: "Chester, I don't know what you mean." "Why," he said, "if that is not enough I can double it." I said that I didn't want any; that was my answer to him.

Mr. DANDO. So he could, because he had a balance at the primary.

Mr. LENAHAN. And he has that balance to-day. I think he has more balances than Bowman has.

Q. Did Davis afterwards ask for that check?—A. No; I don't know that I have seen him since to speak to. Oh, yes; I did. I saw him during the campaign; he asked me to go out to Evergreen Park with their candidates, and I refused to go.

Q. He asked you to introduce the candidates in your locality?—A. I believe so. I was well acquainted in Evergreen Park.

Q. This was said to you in the hope of your help in the general election?
(Question not answered.)

No cross-examination.)

MICHAEL LUBBARGO, called on behalf of contestant and duly sworn.

Examined by Mr. LENAHAN:

Q. Where do you live?—A. In the twelfth ward.

Q. How old are you?—A. I will be 31 years old the 7th day of April.

Q. Where were you born?—A. Lattimer.

Q. Your parents were Italians?—A. Yes.

Q. You live now where?—A. In the twelfth ward.

Q. And in the city of Hazleton?—A. Yes.

Q. You were the judge of election last election, were you?—A. Yes.

Q. Did you ever serve as judge of election before?—A. No.

Q. Were you generally familiar with the duties of judge? Do you know what the duties of a judge are?—A. I didn't altogether know them.

Q. Do you know John Phillips?—A. I think that I do.

Q. What is his business?—A. He is some kind of a boss, I believe.

Q. He is a foreman, where?—A. In Hazle mines, No. 1.

Q. Who operates that; what company?—A. Valley.

Q. Is that the company Bill Davis is superintendent of, the Lehigh Valley?—

A. Yes.

Q. Did you see Phillips around the polls that day?—A. Yes.

Q. Was he there all day; if not how long was he there?—A. He was there the biggest part of the day.

Q. Just tell us if he went in with men and marked their ballots.—A. Yes, sir.

Q. How many?—A. I wouldn't exactly say, but around 7, 8, or 9 men.

Q. Were they foreigners or English-speaking people?—A. I don't know altogether remember.

Q. You don't remember that?—A. No.

Q. Just say how he happened to go in, what the voter—the proposed voter—would say when he got his ballot?—A. He would ask me for help. I would ask who they wanted, and they pointed out the man they wanted, and I said all right.

Q. Who was the man they pointed to?—A. Phillips, and there were so many watchers there.

Q. Is that all the voter said; he wanted help?—A. Yes.

Q. He didn't say that he was ignorant and could not write?—A. No.

Q. He didn't say anything of the kind?—A. No.

Q. And Phillips went in with him on the say-so and marked the voter's ballot?

Mr. DANDO. We ask counsel to refrain from cross-examining their own witness.

Mr. LENAHAN. To which counsel says he is only getting at the truth.

Q. And then Phillips would go in with the voter and mark his ballot, would he?—A. Yes.

Cross-examination by Mr. DANDO:

Q. McKelvey was a candidate that year?—A. Yes.

Q. And he had his watchers at the polls?—A. McKelvey had watchers at the polls? I don't know whether he did or not.

Q. The Democratic Party had watchers there?—A. I suppose they were there.

Q. I don't want you to suppose. The watchers for both parties were there?—A. I couldn't say.

Q. But you understood that each party had?—A. Yes.

Q. And whatever was done was done in the open—in the open way—so that all could see it?—A. Yes.

Q. Was there any objection raised there?—A. No.

(Hearing adjourned until 10 o'clock a. m., Wednesday, March 22, 1911, at the office of William McLean, sr., Coal Exchange Building, Wilkes-Barre, Pa.)

WEDNESDAY, MARCH 23, 1911.

Hearing resumed at 10 o'clock a. m. at the office of William S. McLean, sr., at the Coal Exchange Building, Wilkes-Barre, Pa., pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John E. Jenkins, Esq., A. C. Campbell, Esq., Edwin Shortz, Esq., counsel for contestant; Arthur L. Turner, Esq., commissioner for contestant; Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., contestee's commissioner.

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Wednesday, the 23d day of March, 1911, at 10 o'clock in the forenoon at the police court room, City Hall, 53 North Wyoming Street, city of Hazleton, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania residing in the city of Wilkes-Barre in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of wit-

nesses before him as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Chester Kerbaugh, Hazleton, Pa.

GEO. R. MCLEAN.

Service accepted March 20, 1911.

EVAN C. JONES, *Counsel for Contestee.*

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorneys:

You are hereby notified that on Wednesday, the 23d day of March, 1911, at 10 o'clock in the forenoon, at the office of W. S. McLean, Esq., No. 713 Coal Exchange Building, Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Thomas Oliver, Joseph Nogee, John McHale, Jonathan R. Jones, Moses Halper, Crawford C. Smith, T. M. Powell, B. F. Marshall, and Samuel R. Morgan, of Wilkes-Barre, Pa.; Thomas J. Hatten, of Edwardsville, Pa.; Adam Korn and Ladislaus Wywiorski, of Duryea, Pa.

GEO. R. MCLEAN.

Service accepted March 20, 1911.

EVAN C. JONES, *Attorney for Contestee.*

CRAWFORD C. SMITH, called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. SHORTZ:

Q. You are chief clerk for the county commissioners?—A. Yes.

Q. And you were subpoenaed to appear here this morning and bring with you the registration books of the second district of the sixth ward of Wilkes-Barre, showing the registration of the vote there for the year 1910?—A. Yes.

Q. And those are the registry books you have there?—A. Yes.

Q. Those are the original registrars, are they not, that were made out in the handwriting of the registrars?—A. Yes.

Q. And they were delivered to you after the registration days last fall?—A. They were delivered to the office. I don't know whether I received them personally or not.

Q. At the time of election, November 8, they were delivered to whom?—A. To the election board. They used them on election day and returned them to the office the following day.

Q. Then, they were returned to your office by the election board. Now, these are signed by the registrars, John Shadrach and Thomas McHale. Can you tell from these books which book was Shadrach's and which was McHale's book?—A. I couldn't positively swear to that. There are two different writings—the handwritings are different. It would appear as though this [indicating] was McHale's book and the other was Shadrach's.

(Books offered in evidence.)

Mr. JONES. The admission of these books is objected to for the reason that there is nothing in the notice of contest to this contestee of any irregularity in the registration or in the books of registration, in and for the second district of the sixth ward of the city of Wilkes-Barre, at the last election.

MOSES HALPER, called on behalf of the contestee, and duly sworn by Commissioner Turner.

Examination by Mr. SHORTZ:

Q. Mr. Halper, you are a resident of the second district of the sixth ward of the city of Wilkes-Barre, are you?—A. Yes.

Q. And at the general election last November—November 8—you were a member of the election board in that district?—A. Yes.

Q. In what capacity did you serve there. Were you not a clerk?—A. I was selected for minority inspector's clerk.

Q. Name the members of the board there?—A. The judge of election, Thomas Oliver; majority inspector, Joseph Nogee; clerk, Moses Halper; minority inspector, John McHale; clerk, Jonathan R. Jones.

Q. Mr. Smith has brought the registration books for the district and ward, and we have put them in evidence. Were these registration books there on election day?—A. Those? I will have to look at them.

Q. All right; examine them.—A. Yes; those are the books.

Q. Who had these books there that day?—A. Well, the board nearly all had them; I had them, and the registrars had them, and I guess everybody had them on the table.

Q. On election day were there any names registered on these registration books?—A. Yes.

Q. How were they registered?—A. They were registered as they came in. They came in and told their names and were registered.

Q. Did those men who came in and told their names; did they show any orders from the county commissioners or the judge ordering their names to be put on the register?—A. Well, some fellows did, and some fellows, I guess, had—

Mr. DANDO. Don't guess.

A (continuing). Well some of them had and some of them hadn't.

Q. Do you remember the names of any men who did have orders?—A. I don't remember the names.

Q. Were the registrars there themselves on the day of election?—A. At times they were.

Q. Who were the registrars at that election—who were they?—A. That is, on that particular day?

Q. On that particular day—the registrars.—A. Why those names are on the book.

Q. There is John Shadrach and Thomas McHale.—A. It was Thomas McHale and Thomas Oliver.

Q. They were there on election day and registered the voters, did they not?—A. Yes.

Q. John Shadrach, was he there?—A. He was there only once, in the morning—well, he was there in the afternoon.

Q. What was he doing when he was there?—A. He just came in and had a little talk and voted, and that is all; voted once.

Q. Now, you say that the men who acted as registrars there on that day were Thomas Oliver and Thomas McHale; is that so?—A. Those two.

Q. Thomas Oliver was judge of the election board?—A. Yes.

Q. And you also testify that they registered a number of voters on that day?—A. Yes.

Q. Now, John McHale, you have testified, was on the election board, too?—A. He was minority inspector.

Q. He is not a registered voter in that ward at all, or in that district, is he?—A. He is not registered for his vote.

Q. Of course this register will show that. Did he vote on that day at all? Did he vote at the election, John McHale?—A. Not as I know of.

Q. He is the minority inspector; how did he become minority inspector; was he elected or chosen that day by the judge of election? Was he elected by the people at the polls, or elected at the regular election for election officers?—A. I can't exactly answer that; I don't know.

Q. What are his politics; is he a Republican or a Democrat?

(Objected to as hearsay evidence, as the only man that is competent to testify to his politics, if he has any, is John McHale himself.)

Q. What is the general reputation there and what has it been for a long time; is he said to be a Republican or Democrat? Do you know that?—A. I don't know that.

Q. What is the politics of the clerk he appointed on the board?

(Objected to as hearsay evidence.)

A. Republican.

Q. That is Jonathan R. Jones?—A. Yes.

Q. Mr. Jones has been a Republican officeholder in the city of Wilkes-Barre?—A. I don't know that, but I know that he was a Republican city chairman.

Q. On that day, whether or not there was any Republican watchers or workers in or about the polls?—A. There was about three of them.

Q. Where were they? Were they on the outside of the voting booth?—A. Inside the room.

Q. Inside?—A. Right at the table.

Q. Wasn't there any railing separating the election officers from the other part of the room there?—A. No, sir.

Q. There was no railing, you say?—A. No, sir; there was no railing.

Q. Were there more than one of those watchers there at one time?—A. Well, there was three of them all the time.

Q. All at the same time?—A. At the same time; yes, sir.

Q. Do you know a man named P. G. Albeck up there?—A. Yes; he was up there.

Q. What did he do when he was there?—A. Well, he was there all day talking against McLean.

Q. You say he was against McLean? How did he talk; what did he say?—A. He said McLean robbed him of \$10,000, and wanted to take away his house, too.

(Objected to as immaterial and irrelevant.)

A. (Continued.) But if he hadn't seen Judge Garman he would have lost his house.

Q. Who did he say that to?—A. He said that to pretty nearly every voter that came into the district.

Q. Would he electioneer?—A. He was standing there talking all day, and he said he asked his neighbor, Rutstein, to vote against McLean on account of the liquor men and on account of him wanting to cheat him out, and Rutstein said he would vote for McLean and he said that McLean was a thief, and the Jews are thieves, too, and that is why they voted for McLean.

Q. Were there any Republican watchers there?—A. Yes; Paul Barager and William Ladmer.

Q. What did they do?—A. Inside soliciting votes for the Republican ticket for Mr. Bowman.

Q. They were all inside and soliciting for whom?—A. For Mr. Bowman—the Republican ticket.

Q. Can you tell from these two registration books which one was made out by Shadrach and which one was made out by McHale by looking at the handwriting?—A. This is McHale's [indicating].

Q. That is signed at the end of every session by the initials of the registrars?—A. Yes.

Q. Although the other book is not signed?—A. Yes.

Q. Whose initials are those signed by?—A. J. S. and then it says something—what is this here?

Q. That you will have to say for yourself.—A. This is Oliver's writing.

Q. Now, on this election day, November 8, you say that Thomas Oliver acted as registrar? Did he act as registrar and register the names on this book?—A. Yes.

Q. And John Shadrach didn't?—A. No.

Q. Thomas Oliver was the election officer, you say: he was judge of election?—A. Judge of election; yes.

Q. Is any of this in the handwriting of Thomas Oliver?—A. That is all his handwriting.

Q. Some of this is in different handwritings, isn't it? It is not in the same handwriting as that above.—A. Halper yes; he registered Halper; it is the same, I guess, made with a different pen. They look to me all the same.

Q. Look through this book and see whether all that is in the handwriting of Thomas Oliver or not? [Witness examines book.]

Q. Is that all in the same handwriting or is it different handwriting?—A. This book is in the same handwriting.

Q. This is in Oliver's handwriting, all this book?—A. Yes.

Q. This register is in the handwriting of Thomas Oliver, who was the judge of election?—A. Yes.

Q. Were you at the polls, Mr. Halper, or at the registration room, on registration day?—A. Yes.

Q. You were there. Were you in the room where the registrars sat on registration day?—A. Yes; I often go in there.

Q. Who acted as registrar and registered the voter?—A. Oliver and McTale.

Q. What day were you registered as a voter on?—A. I think it was on the second registration day.

Q. That would be when—in September?—A. September.

Q. Who was registrar when you were there? Who registered you?—A. Oliver and McHale.

Q. Thomas Oliver and Thomas McHale?—A. Yes.

Q. On election day did any of the election board or any of the watchers take voters into the booths and mark their votes for them?—A. I can't remember that.

Q. You are a Republican, are you not?—A. Yes.

Q. You ran on the Republican ticket for alderman?—A. Yea.

Q. And when Gov. Stone was governor of Pennsylvania you were also a candidate for alderman up here?—A. Yes, sir.

Q. That is all for the present.

Cross-examination by Mr. JONES:

Q. Weren't there any Democratic watchers at the polls?—A. No.

Q. No Democrat at all?—A. No, sir.

Q. Anybody there working for McLean?—A. No.

Q. You say there were three Republican watchers there?—A. Yea.

Q. Of course they were in and out all day?—A. Most of the time they were in.

Q. Well, they stayed in the room?—A. Yes.

Q. And it was a large room?—A. Yes.

Q. And there was nothing wrong done at that election that day?—A. Not with the election; but I didn't like the explanations of this man Albeck.

Q. You didn't like the way he acted?—A. He acted bad.

Q. The fact that he abused the Jews hurt you more than the fact that he abused McLean?—A. It abused me as an American citizen to go in before a board and turn down a candidate that way—to say that thing.

Q. Well, he was there doing all he could against McLean?—A. Yea.

Q. And he had a personal spite against him?—A. It looked like it; I don't know.

Q. He said he had some business reason?—A. Yes; he said he cheated him out.

Q. He and McLean had a business transaction, and he claimed that McLean didn't treat him fairly, and he felt that he should tell the voters that McLean wasn't a proper person?—A. Yes.

Q. And incidentally he said something about the Jews that wasn't very nice?—A. Yes.

Q. And, of course, that hurt you very much?—A. It didn't hurt me very much.

Q. You are a Jew?—A. Yes; but I am used to hear sometimes drunk and ignorant men; it only means that he tried to give a man an unfair reputation, that is all, when he said that; but it didn't hurt me.

Q. And that was all the attention that anybody paid to him—that he was a man of unfair reputation?—A. I can't tell what anybody thought; that was my judgment.

Mr. SHORTZ. You objected to his electioneering inside the election booth, didn't you?—A. I tell him it ain't fair; of course I can't throw him out.

Q. Did you complain to the judge of election about it?—A. Well, he was there.

Mr. DANDO. Answer his question. Did you complain to the judge of election? Answer what you are asked.—A. Well, certainly I did.

Mr. SHORTZ. You complained to the judge? What was said? Did he order him outside?—A. Nobody ordered him out; he was in there all the time.

Q. Did he order any of the watchers there to go outside?—A. No; the others didn't do anything; they were soliciting votes in a quiet way.

Q. But at the same time that these men were soliciting votes there were other watchers, more than one, in this room at the same time?—A. Yes, sir.

ROBERT P. ROBINSON, called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. CAMPBELL:

Q. What is your position?—A. I am secretary to the county commissioners now.

Q. What are the county commissioners' politics—that is, the majority of them?—A. Republican. I believe they were elected on the Republican ticket—two of them.

Q. What are your politics?—A. Republican.

Q. You have been an officeholder or an employee of the county of Luzerne for how many years?—A. About 25 or 27 years.

Q. Continually?—A. Well, there was about nine months that I wasn't employed.

Q. You have been sheriff of Luzerne County?—A. Yes.

Q. You have been treasurer of the county?—A. Yes.

Q. And you have been county auditor?—A. Yes, sir.

Q. At the primaries held in Luzerne County for the office of Congress, in June, 1910, you were a candidate for the office of Congress?—A. Yes, sir.

Q. On what ticket was your name?—A. On the Republican ticket only.

Q. On the Republican ticket only?—A. On the ballot.

Q. How many votes did you get on the Prohibition ticket?

(Objected to as not being the best evidence. The record will show how many votes.)

Q. How many did you say, Mr. Robinson?—A. I got 8, according to the returns.

Q. Who else had any votes?—A. Bowman had some.

Q. How many?—A. Four.

Q. Did any other person have any?—A. Yes; a man by the name of Hyes had 5.

Q. Anybody else have any?—A. Hyes had 5, Thomas Barrett 1, George R. McLean 1, C.C. Bowman 4.

Q. What was the total vote?—A. The total vote was 24.

Q. Were there any names printed in the Prohibition column on the ballot in June?—A. No.

Q. How many votes did you get on the Republican ticket for Congress?—A. I don't exactly know; something about 4,000; pretty close to that.

Q. How many did Mr. Bowman get?—A. He got something over 8,000.

Q. You finally withdrew from the Prohibition ticket?—A. Yes.

Q. At whose instance did you do that—at anyone's?—A. Nobody's. I intended to withdraw as soon as I wasn't nominated on the Republican ticket.

Q. At whose solicitation did you do that?—A. Nobody's.

Q. Were you solicited to withdraw?—A. No, sir; it was not necessary, because everybody knew that I was going to withdraw. I made it very plain.

Q. Did Jonathan R. Davis speak to you about withdrawing?—A. No.

Q. Did C. C. Bowman?—A. No, sir; never.

Q. Did any person, Mr. Robinson, speak to you about your withdrawing from that ticket?—A. Well, I had a talk to McLean—that is George's father—he spoke to me one day and he said that he wished I would stay on; he thought it would help George, and his brother spoke to me about it.

Mr. JONES. William. He said that he could get that nomination for George. He talked to me about it, and I told him that I was going to withdraw.

Q. The McLeans are all Democrats?—A. Yes.

Q. Did any of the Republicans speak to you about it?—A. No.

Q. Not one?—A. They knew that I was going to withdraw. Of course Davis might have spoken about it.

Q. Did any Republican speak to you about it? Never mind about their knowing about it. Did Jonathan R. Davis speak to you about withdrawing?—A. I don't think that he did until I had withdrawn or was about to withdraw. After I got the certificate from Harrisburg I didn't think much about it. I didn't bother about it, until the certificate came from Harrisburg with my name on the ballot.

Q. How long after the primaries was this certificate received?—A. Two weeks.

Q. Did you have any conversation with George McLean, in which you stated that Jonathan R. Davis had requested you to withdraw?—A. No; he never requested me, because he knew it; they all knew it.

Q. Did you tell Mr. McLean when he had the talk with you that you were going to withdraw?—A. I might, if he ever said anything to me about it; but I don't remember. He never asked me to.

Q. Do you recall of George R. McLean talking to you some time after his return from Florida in December or January—in January of this year?—A. I believe I do, now.

Q. Where was that conversation?—A. I don't know; probably on the street, I think.

Q. Wasn't it in the private office of the commissioners?—A. I have forgotten if there was any.

Q. And didn't you tell him that Jonathan R. Davis had asked you to withdraw?—A. Well, I don't think that I did.

Q. That he had it all fixed up for Bowman to be substituted?—A. No.

Q. I ask you whether you told him that?—A. I don't remember of me saying that.

Q. And that you say that you felt, being a Republican officeholder, that you would have to get off?—A. That is what I told everybody that asked me, that I would have to get off. I couldn't afford to run on that ticket; that is what I told everybody.

Q. You being a Republican officeholder?—A. No; being a Republican.

Q. Then, you did tell McLean?—A. I might have; I don't remember. I talked to his father in the private office, I know. I think it was his father.

Q. Did you tell his father that Jonathan R. Davis told you that he had spoken to you about this, and that it was arranged that Mr. Bowman would be put on the ticket?—A. No; I don't remember that.

Q. You don't say that is not so? You didn't have such a conversation, did you?—A. No; I won't deny it. If George says it is so, why, of course, I would have to believe him.

Q. When did you withdraw from the ticket?—A. Well, I don't remember just when.

Q. About when?—A. Probably a week before the final time to withdraw.

Q. How long was that prior to the election?—A. I think that was about two weeks, or it may have been three weeks before election.

Q. In other words, you retained the nomination from June until about three weeks before the November election?—A. Yes; with the understanding all the time that I was going to withdraw.

Q. With whom did you have that understanding?—A. Everybody that asked me anything about it.

Q. Why didn't you withdraw in the first instance, as soon as you were nominated?—A. I didn't consider, really, that I was nominated until I got this certificate.

Q. You say that you got a certificate about two weeks after the primaries?—A. I said about two weeks; I don't know when. The ordinary time that they send them in; I don't know when. It may have been longer than that.

Q. In other words, a period of about four months elapsed?—A. No; there was no time like that.

Q. You say that about two weeks after the June primaries—that was on June 4th?—A. No; I am mistaken, then, because they never send out a certificate as early as that from Harrisburg.

Q. How long, to the best of your recollection, were you on the ticket?—A. Well, I was on there probably up until three weeks before election.

Q. And during all that time Jonathan R. Davis and C. C. Bowman nor any person speaking in their behalf said anything to you about withdrawing?—A. Not that I remember. If they did, I certainly told them that I was going to withdraw; but Bowman never mentioned it to me.

Q. Who was it told you before you withdrew that it was arranged that C. C. Bowman would be substituted?—A. Well, I tell you: Ricketts came in one day first, probably a month after the primary election, and wanted to know if I was going to stay on the ticket, and I told him no; that I was not. He said that if I didn't want to, they would put Bowman on. That is the first that anybody spoke to me about it, and that was only a short time—not over a month, I don't think—after the primaries.

Q. But, nevertheless, you still held to that nomination?—A. Yes; it wasn't heavy to hold.

Q. But you held on so that nobody would be in position to—A. No, sir; that is not so. I never had any such thought of such a thing.

Q. A thought of what?—A. To keep anybody from going on and getting it.

Q. Let me get a question in. I will repeat it again. The only persons that you can recall having any conversation with about your withdrawing from the Prohibition ticket were Agib Ricketts, W. S. McLean, sr., and W. S. McLean, jr.?—A. Up to the time that I withdrew or up to the time that I decided to withdraw; yes.

Q. Do you recall the day you sent in your withdrawal?—A. No; I couldn't tell you the date.

Q. Isn't it a fact that your withdrawal and Mr. Bowman's substitution were practically on the same day?—A. I don't know that.

Q. I am merely asking your recollection.—A. It must have been. It couldn't have been very far apart, because my withdrawal was so late that there was not much leeway for a man to get in. He would have—

Q. Can you give any reason why you held your withdrawal up until two or three weeks?—A. No. I knew the time it had to be in to have the name taken off the ballot and to have the final certificate—before the final certificate came from Harrisburg I had withdrawn. The first one that I got was merely a notification, unofficial, that they send in with the nominations on.

Q. You were here in the city of Wilkes-Barre practically from June until a few weeks before November?—A. Most of the time.

Q. At least you were not away for more than a day or so during that period?—A. A few days; maybe 10 days. I was over in Dallas.

Q. You didn't withhold your withdrawal because you were overloaded with work and didn't have an opportunity?—A. No; nor because I didn't want somebody else to get it. I would just as lief have George McLean have the Prohibition nomination as C. C. Bowman. It was not any good to me.

Q. What was the amount of your expenditures for the nomination for Congress on the Republican ticket?—A. About \$125 or \$150; about \$125, I think I spent; along there somewhere; near that.

Q. You were of the belief after the June primaries that you were defeated because of the use of the great amount of money by Bowman and his friends?—A. I think now that if he didn't spend no more money than I did—no more than \$125—I would have beaten him.

Cross-examination by Mr. JONES:

Q. You did tell this contestant's father, William S. McLean, who is a long-standing resident and citizen of this community and an experienced lawyer at this bar, to your knowledge, for a great number of years, that you intended to resign or withdraw from the Prohibition nomination?—A. I told him and every other man that ever said anything to me about it that I was going to withdraw.

Q. And Mr. McLean, sr., has been an experienced man in the Democratic politics, to your knowledge?—A. I knew it.

Q. And has been a candidate for judge of the court of common pleas of this county at least twice, hasn't he?—A. I believe.

Q. And he says that he asked you to remain on the ticket because he thought it would help George?—A. He said he wished that I would do it, because he thought it would help George. He didn't ask me to stay on.

Q. And then sometime later, a long time before you did actually withdraw, McLean's brother, you say—the brother who was his treasurer in this campaign—came to see you?—A. He didn't come to see me. I just happened to meet him. I don't think that anybody ever came to see me, except Ricketts. I think we just happened to meet, and the thing came up. I just met him on the street, Will.

Q. And he told you he would like to get the nomination for his brother George?—A. Yes.

Q. And you told him that you were going to withdraw?—A. Yes; I told him that I didn't care who got it. That was early in the summer, if he mentioned it. I don't know whether he mentioned it or not.

THOMAS OLIVER, called on behalf of the contestant and duly sworn by Commissioner Turner:

Examination by Mr. SHORTZ:

Q. You are a resident of the sixth ward and you live up on Sherman Street, Wilkes-Barre?—A. Yes, sir.

Q. And you were also judge of election in the second district of the sixth ward?—A. Yes.

Q. And you served as judge at the general election held November 8, 1910?—A. Yes, sir.

Q. And you also served as registrar in that ward on registration days?—A. Yes.

Q. Were you appointed by the county commissioners?—A. No, not that I know. John Shadrach asked me to do it and I did.

Q. You served and Shadrach was not present on these registration days?—A. Yes, sir.

Q. Was he present at any time when you acted?—A. No.

Q. You and McHale were there and acted as registrars?—A. Yes.

Q. On what dates were you there?—A. I forgot the date—it was Saturday before election.

Q. Was it the last registration day?—A. Yes, and I was there all day.

Q. You were there all day as registrar?—A. Yes.

Q. Were you there on any other days besides the last registration days?—A. The second registration day I was there from 8 o'clock in the morning until 6 o'clock in the evening.

Q. The last registration day was October 8?—A. I think it was; yes, sir.

Q. Is this your handwriting?—A. No.

Q. Is it McHale's handwriting?—A. I think it is.

Q. So you acted as registrar on October 8?—A. I am not sure whether I did; I did on two days, anyway.

Q. Is this your handwriting on there?—A. That is my handwriting.

Q. And you signed "10-22-1911." That would be the 22d day of October, wouldn't it?—A. Yes.

Q. Had you acted as registrar on the 20th day of September—9-20-1910—is that your handwriting?—A. Yes; these two, and this is John Shadrach's. I quit there at 7 o'clock that evening.

Q. Did you act as registrar on the 8th day of September, 1910—on the 8th or the 9th or the 6th, whenever the first registration day was?—A. That is my handwriting, but that is on the 22d.

Q. But you acted as registrar on the last two days of December?—A. Not all day; about until 6 o'clock the first day.

Q. Until 6 o'clock?—A. Yes.

Q. Although you had been appointed by the county commissioners, or hadn't been, I mean?—A. Not that I know of. John Shadrach asked me to do it and I did it. I did it a year ago, too.

Q. You did it a year ago?—A. Yes.

Q. Were you appointed by the county commissioners?—A. Not that I know of.

Q. But at the same time you were acting as registrar, and not appointed by proper authority, you were also an election officer in that district?—A. I was an election officer; yes, sir.

Q. You were judge on the election board?—A. Yes.

Q. Did you register any names on election day?—A. Well, I can't swear to that, but if you will show me the book and see. [Witness examines book.] I think there were three registered on election day, and every one had authority from the county commissioners—a paper, a kind of a warrant.

Q. They had an order or a warrant from the county commissioners, did they?—A. A man came in there and wanted to vote, and his name was not on the register, and I said, "You can't vote," and he came in afterwards with a paper. And when he came in with that paper, John Shadrach told me, "You can register him as of the last day of registration," and I said I wouldn't do it without McHale, and I sent for McHale, and he came there and he registered with me. Both registered together.

Q. Was Shadrach there at the time?—A. While I was writing, but he—while I was writing he wasn't, but he was there back and forth.

Q. He wasn't there while you did that registering on election day?—A. I don't think he was, but he told me to do it.

Q. Can you find these names?—A. These names in question? I forget who they are: James P. Flanagan, ball player, 30 South Grant Street, lodger, age, 28. District second, Wilkes-Barre city, 30 South Grant Street; receipt produced. Yes; white.

Q. He was registered on election day?—A. Yes, tall, white; weight, 185 pounds. I wrote that down there.

Q. Was John Shadrach there when he was registered?—A. I don't think that he was, but he ordered me to do it.

Q. Do you remember any of them from memory?—A. No; I don't remember any. Richard Meekins, Frank Meckervican, Thomas McKenna.

Q. These three were registered on election day?—A. Yes.

Q. Was Shadrach there when they were registered?—A. I don't think that he was.

Q. You think that he wasn't there? Do you remember registering John McHale? Did you register him that day?—A. No.

Q. John McHale was on the election board?—A. Yes.

Q. And he is not registered at all?—A. He is not registered at all.

Q. And he didn't vote?—A. He didn't vote.

Q. What is his politics?—A. He is a Democrat.

Q. Whom did he appoint for his clerk?—A. Jonathan R. Jones.

Q. Jonathan Jones is a Republican, and he was chairman of the city committee, wasn't he?—A. I guess he was, but not at that time; I don't think that he was.

Q. Well, he had been chairman of the Republican city committee?—A. Yes, sir; he had.

Q. You know that?—A. Yes, sir.

Q. You know that is so, that he is a well known Republican, Jonathan R. Jones?—A. Yes.

Q. On election day were there any straight Keystone tickets voted there, that is straight ballots for the Keystone Party, and also votes marked for Congress for George R. McLean at the same time, in your district?—A. I can't remember. I don't think there were any straight Keystone tickets at all.

Q. Were there any votes there for George R. McLean thrown out in your district?—A. No, sir; not one.

Cross-examination by Mr. JONES:

Q. You acted as register in these days at the request of Mr. Shadrach?—A. Yes.

Q. He was the Republican candidate for the legislature in this district?—A. Yes.

Q. And you sat at no time and registered any man, unless the Democratic registrar was there with you?—A. No, sir; I would not do it.

Q. And your book and his book are exact copies of each other?—A. They ought to be, I don't know.

Q. They have been filed with the county commissioners?—A. Yes.

Q. And as a man came he put down his name and you put down in your book what was required by law and McHale did the same?—A. Yes.

Q. So far as you know, when a man came in to vote, no man voted there on election day unless his name was on both lists?—A. No.

Q. These three men who were registered there, on election day, Mekins, Meckevrkcun, and McKeena, McKenna and Meekins are Irishmen, are they not?

Mr. SHORTZ. There were four registered.

Q. These four men are Irishmen?—A. Their names sound so, I don't know.

Q. Do you know whether they are Democrats or Republicans? You know McKenna well? You know the McKenna family on the Heights?—A. No; I don't remember just now, I don't remember who they are.

Q. But every man who voted on that day was checked up in both books?—A. Yes.

Q. No discrimination at all?—A. No.

Mr. SHORTZ. Was McHale there all day on election day?—A. No; he was not there all day. I sent for him when we wanted to register, I sent for him. I wouldn't register without McHale being there.

Q. These names you registered on election day, you didn't sign your initials to, you and McHale, isn't that so?—A. No.

Q. Did you compare your books at the end of every registration day; did you go carefully over your books and compare them?—A. After I was through I gave the books to John Shadrach; he said he would do it.

Q. Then you didn't do it? You did the registering, but you did not compare them?—A. We compared them and I gave the books to him.

Q. Did you compare them with McHale?—A. Certainly.

Q. Did you compare them on election day, those you registered?—A. Yes.

Q. Why is it you didn't sign your initials to them? You know that is required by law, don't you? Isn't it very likely you didn't compare those you registered on that day because your initials are not signed to them here, and they are not dated? Isn't that the size of it, that you didn't compare these, and isn't it the truth that McHale wasn't there on election day when you registered those names?—A. It is in his handwriting on the book, isn't it?

Q. I don't know his handwriting.—A. You can see there where his handwriting is.

Q. How does it come that you didn't put your initials to these registrations? Do you remember as to that?—A. I don't remember that.

Q. You were busy that day acting as judge of election there?—A. Yes.

Mr. JONES. I wish you would now compare the entries in this book as to Thomas Flannagan, with the entries in McHale's book as to Thomas Flannagan. Certainly in both cases I mean James Flannagan.

(NOTE.—It is agreed between the counsel that as to the four names that were registered in this district on election day, the entries on both books, to wit, the book of the Republican registrar and the book of the Democratic registrar are the same.)

Mr. SHORTZ. You can't say whether at the time these men were registered—you can't say whether either of the registrars were present at that time?—A. I was present and McHale was present.

Q. Every time that you registered any of these men on that day—was McHale there that day, was McHale present in the room?—A. Yes.

Q. Was Shadrach present?—A. I don't know.

Q. Shadrach came there to vote, and that was the only time he was there that day?—A. No; he came more than that.

Q. What did he come there to do?—A. He came there—he was very anxious about the election.

Q. He was there off and on during the day?—A. Yes.

Q. To ask how the election was going on, or something of that kind?—A. Yes; walking about and talking.

Q. But he didn't perform any duties as a registrar on that day?—A. No.

Q. He didn't perform his duties as registrar and write their names in that book on that day?—A. I think that I asked about these papers, if it was all right to register a voter on these papers, and he said yes, and that he would take care of these papers.

Q. But he didn't do any writing there on that day?—A. I don't know.

Mr. JONES. Mr. Shadrach is a member of the bar here?—A. Yes.

Q. Moses Halper has stated here that he objected and protested to you about a man named Albeck talking about McLean in the voting room; did he make any protest to you?—A. No; he did not.

Q. Did he say anything to you at that time?—A. No.

Q. Was there any disorder there at all?—A. Well, there was talking there, but nobody told me.

Mr. SHORTZ. So the size of it was that he was electioneering there and you didn't stop him; because there was no protest made you just let him go on and talk?—A. There is talking there always; and I have been on the board three or four times, and there is a great deal of talking there, and we always had it.

Q. You heard Albeck talking there that day?—A. I heard him talking; yes, sir.

Q. And because nobody objected to his talking and his electioneering, you didn't stop it?—A. No.

Q. You knew that he was electioneering there, didn't you?—A. No; I didn't know that he was electioneering at all.

Q. What was he talking about? You heard it. You heard him testify there—he was testifying in favor of Bowman and strongly against McLean. You heard him saying that, didn't you?

(Objected to, as the question now put to this witness is not based on facts.)

A. I can't tell you what he said.

Q. You simply didn't pay any attention to what he said?—A. I didn't pay any attention at all.

Q. Then, all your testimony amounts to is that you know Albeck was in there talking, but you don't know what he was talking about?—A. Yes, sir.

JONATHAN R. JONES called on behalf of the contestant and duly sworn by Commissioner Turner.

Examined by Mr. SHORTZ:

Q. You are a resident of the sixth ward and the second district?—A. Yes.

Q. You acted as a member of the election board on November 8, 1910?—A. Yes, sir.

Q. What capacity did you work there in?—A. Clerk.

Q. You were clerk to McHale, the majority inspector?—A. Yes.

Q. Are you sure that he was the majority inspector or the minority inspector?—A. He was the minority inspector, and I was clerk to him.

Q. He was supposed to represent the Democratic Party at that election?—A. Yes.

Q. What is your politics, Mr. Jones?—A. Republican.

Q. You have always been a Republican?—A. Always been a Republican.

Q. You have held office under the city government?—A. Yes; but I have voted for three or four Congressmen on the other side.

Q. You have held office under the city government and run on that ticket, the Republican ticket, for that?—A. No, sir; I didn't want any office. I didn't hold any office.

Q. You have been chairman of the Republican county committee?—A. Yes; I have been chairman of the Republican county committee.

Q. And you have been active in Republican politics?—A. Yes.

Q. The expense account of Jonathan R. Davis, chairman of the Republican Party, or treasurer of the Republican county candidates, show a payment to you of \$10?—A. Yes.

Q. You got \$10 from Mr. Davis?—A. Yes.

Cross-examination by Mr. JONES:

Q. How long before election did you get that \$10?—A. Really I don't remember, it might have been a few weeks.

Q. What did you do with that \$10, Mr. Jones?—A. I spent it on car fares, one thing or another, and I think I went with Mr. Bowman around the factories.

Q. That was your personal expenses traveling around?—A. Yes.

Q. When were you appointed clerk to the election board?—A. That morning.

Q. At the time that you received this \$10, you were not a member of the election board?—A. No, sir.

Q. In the morning when the board was formed they wanted a clerk?—A. Yes, sir.

Q. And McHale named you as his clerk?—A. Yes.

Q. And you had kept accurate account of every vote as required by law?—A. Yes.

Q. There was no disorder there at all?—A. No.

Q. And everything was done in an orderly way?—A. Yes.

Q. And every vote was counted and returned as cast by the voter?—A. Yes.

Mr. SHORTZ. Have you acted as clerk before on the board up there?—A. I don't remember that I did.

Q. You have acted in various capacities on the board?—A. I have acted as Judge of election up there.

Q. A number of times?—A. Yes; I was elected once.

JOSEPH NOGEE called on behalf of contestant and duly sworn by Commissioner Turner.

Examined by Mr. SHORTZ.

Q. You are a resident of the sixth ward, Mr. Nogee?—A. Yes.

Q. The second district?—A. Yes.

Q. And you served on the election board sitting up there last November?—A. Yes.

Q. You were the majority inspector?—A. Yes.

Q. Who was your clerk?—A. I appointed Mr. Halper.

Q. During the election there there were Republican watchers working in the room and around there?—A. Once in awhile, but most of the time outside.

Q. They were in and out?—A. Yes, sir; they were in and out.

Q. Sometimes one or more of them were in there?—A. Yes.

Q. Do you know a man by the name of G. W. Albeck?—A. Yes.

Q. Was he in the room there?—A. He come in the room very little; he was in and went out again.

Q. Did he come in there and electioneer?—A. He didn't do anything there.

Q. Didn't he electioneer there?—A. Not that I know of.

Q. How is it that you are not sure; you would know?—A. Yes; I would know.

Q. What did he do there?—A. He was sitting around there.

Q. What was he there for?—A. He came in there to vote.

Q. How many times did he vote?—A. Only once.

Q. Didn't you hear Mr. Albeck electioneer in the evening?—A. No.

Q. Did he not give cards to anybody?—A. No.

Q. You saw the other watchers giving cards away?—A. There was only one.

Q. Who was it?—A. William Lattimer. He gave cards to anybody, but he didn't say anything inside. The board didn't allow them to speak to anyone.

Q. Wasn't it called to your attention or to the attention of the board that he was giving cards inside there?—A. No, sir.

Q. How about Paul Barager, was he there?—A. He came in and voted, but he wasn't there all day.

Q. Didn't he act as watcher?—A. I don't think so.

Q. Did you ask those men to show their watcher certificates at all?—A. No. (No cross-examination.)

JOHN McHALE, called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

- Q. Where do you live, Mr. McHale?—A. 16 South Grant Street, city.
 Q. The city of Wilkes-Barre?—A. Yes.
 Q. What district?—A. The second.
 Q. Were you on the board at the last general election?—A. Yes.
 Q. Do you know this man, Albeck?—A. I do.
 Q. I wish you would go on and state what his language was about McLean from time to time?—A. I don't know just what it was. All I know he said he wouldn't vote for him.
 Q. What else?—A. I couldn't say exactly what the words were.
 Q. Was it abusive language?—A. No.
 Q. Whether or not that was done by him from time to time in the room where the election was held?—A. I only heard him say it once.
 Q. About how often was he in the room?—A. He was in and out. I am not sure about that; two or three times during the day.
 Q. Was he using this language?—A. No, sir.
 Q. What was he doing the other times when he came in there?—A. Just came in and asked how the election was going on and how many votes we had.
 Q. What was he saying about McLean's election when he came in the second time?—A. He didn't say anything.
 Q. Where was it he said that? Outside? He was outside as a watcher?—A. I don't know what he was doing outside, whether he was a watcher or not.
 Q. Then, he did come in every once in a while and hold a conversation with the board?—A. Just merely asked the question. He didn't get talking about anything.
 Q. You know, the first time that he went in he began abusing McLean?—A. The first time; yes, sir.
 Q. Don't you remember the board's attention being called to the fact that Albeck—that this man had no business being in there using abusive language toward McLean? Didn't Mose Halper call their attention to that?—A. No; I don't remember that.
 Q. Do you say that language was not used there expressing a desire that the board should prevent him from talking that way?—A. No; nobody said a word to prevent him from talking.
 Q. No one said a word about it?—A. No, sir.
 Mr. DANDO. Moses stands alone.

JOSEPH NOGEE, recalled by contestant.

Examined by Mr. LENAHAN:

- Q. I want to ask you whether or not you heard this man abusing McLean?—A. No, sir.
 Q. At no time in there?—A. Perhaps he was talking a word of two; I can't remember.
 Q. You can't remember a word or two that he was talking?—A. No.
 Q. Did you remember it lately when talking to McLean? Didn't you tell McLean that he was abusive about him in there?—A. No, sir; I never talked with McLean yet. This is the first time I seen McLean.
 Q. Did you tell McLean in the presence of Mose Halper that this man had called McLean improper names?—A. He said lots of things before the election.
 Q. No; at the election time, there in that room?—A. No, sir; not there on election day. It was before the election that he spoke very bad about McLean. He told how he cheated him out of a farm, but that was three or four weeks before the election.

OLIN HARVEY, recalled on behalf of the contestant.

Examination by Mr. JENKINS:

- Q. Mr. Harvey, what returns have you produced here?—A. The second district, sixth ward, of the city of Wilkes-Barre.
 Q. Will you put in evidence those returns? I show you triplicate returns for the said district. What is the vote cast there for Representative in Congress?—A. Charles C. Bowman, Republican, 68; George McLean, Democrat, 38; Charles F. Quinn, Socialist, 2; Charles F. Quinn, Federated Labor, 1.

Q. Now, give the vote for governor, lieutenant governor, and secretary of internal affairs?—A. For governor, John K. Tener, Republican, 65; John K. Tener, Workingman's League, 1; William H. Berry, Keystone, 55. For lieutenant governor, John M. Reynolds, Republican, 54; John M. Reynolds, Workingman's League, 1; Thomas H. Greevey, Democrat, 3; Charles E. McConkey, 1; Elias Cohen, Socialist, 2; D. Clarence Gibbons, Keystone, 49. Secretary of internal affairs, Henry Houck, Republican, 50; James I. Blakslee, Democrat, 2; Henry Houck, Workingman's League, 1; Charles W. Huntington, Prohibition, 3; John J. Casey, Keystone, 65.

Q. You have on file in your office the records of the election for the year 1910?—A. Yes.

Q. Have you with you the vote cast in Parsons Borough?—A. Yes.

Q. Have you the votes cast there for George R. McLean, candidate in 1901, county controller?—A. Yes.

Q. Who was his opponent?—A. Arthur E. Dick, Republican.

Q. Have you the vote cast in Parsons Borough in 1901?

Objected to as immaterial and irrelevant.

Q. What is that vote?—A. Parsons Borough, north ward, or northeast, Dick, Republican, 70; George McLean, Democrat, 144. Parsons Borough, southwest, Dick, Republican, 78; McLean, Democrat, 41.

Q. That totals what?—A. The total is Dick, Republican, 148; McLean, Democrat, 185.

Cross-examination by Mr. JONES:

Q. Do you remember that the year you have read the returns for, 1901, there was a landslide in Luzerne County for the Democratic ticket?—A. Yes.

Q. It was called the Corey landslide?—A. Yes.

Q. E. E. Corey, who is a Republican of this county, was a candidate on the Democratic ticket for state treasurer?—A. Yes.

Q. And also on the Independent ticket?—A. It was Fusion.

Q. And he carried this county by 17,000 votes?—A. I don't remember, but it was about 20,000.

Q. And he carried everybody on the ticket with him?—A. Yes, sir.

Redirect examination by Mr. JENKINS:

Q. In 1910, do you remember there was a landslide against the Republican ticket; that Berry, the head of the Keystone ticket, carried the county?—A. Yes.

Q. And that the combined vote of Berry and Grim, the Democratic candidate for governor, exceeded the Republican vote by about from 5,000 to 6,000?—A. Yes.

Q. There is a striking analogy between 1901 and 1910, isn't there? And in 1901 and 1910, when George R. McLean, being a candidate for office, was a candidate only on the Democratic ticket, isn't that so?—A. Yes.

Q. And in 1901 Corey was the Fusion candidate on several tickets?—A. Yes.

LADISLAWS WYWORSKI, called on behalf of the contestant, and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Where do you live?—A. Duryea.

Q. Were you present at any time with Mr. Korn at the office of Jonathan R. Davis, in the city of Wilkes-Barre?—A. Yes, sir.

Q. About how many days before election?—A. One day before election.

Q. That is, on the Monday before election?—A. Yes.

Q. What caused you to call at his office?—A. We had been called there by Robert Bowen.

Q. Where does he live, in Duryea?—A. Yes, sir.

Q. Bowen requested you to go down there?—A. Yes.

Q. When you went to Mr. Davis's office, whom did you find there?—A. The first time that we came there nobody was there but the clerk. We went in there at 2 o'clock in the afternoon again and seen Mr. Bowman and Mr. Davis there.

Q. Go on and tell the talk that was had.—A. We came there, and Mr. Davis asked us what we wanted; he didn't know us at all. I told him that we were sent here from Bobby Bowen to see what you people wanted of us, and he said: "I would like to get your support for the Republican candidates, and especially

for C. C. Bowman." And I answered him—I can't tell you anything in regard to that. If Mr. Bowman wants our support, he must come to Duryea and talk to the people, and finally Bowman walked out.

Q. After Bowman went out, what did Davis do?—A. Mr. Davis handed \$25 to Mr. Korn.

Q. What did he say to Korn was to be done?—A. He said, "Treat the boys, or do as you like."

Q. Was there anything said by him about expending money for watchers?—A. No; I don't remember.

(Objected to as being in contradiction of a witness called by the contestant himself.)

Cross-examination by Mr. JONES:

Q. The Polish Club; was this a Lithuanian club?—A. Yes; a Polish-Lithuanian club and Slavish club.

Q. You wanted to place some watchers in the field for election? The club wanted some of its members in the field for watchers at the polls?—A. We didn't go there to see about watchers, we went because those people wanted to see us at headquarters.

Q. Did you have some watchers at the election?—A. Yes; Bowen gave Korn \$30 to hire six watchers.

Q. You had some watchers?—A. Yes; three in the first, two in the second, and one in the fourth.

Mr. LENAHAN. That \$20 that Mr. Bowen gave you was over and above what Davis paid?—A. Yes.

Q. And was for a different purpose?—A. Yes.

ADAM KORN called on behalf of contestant and duly sworn by Commissioner Turner.

Examination by Mr. LENAHAN:

Q. You are the Mr. Korn of whom the last witness has spoken, and you live in Duryea?—A. Yes.

Q. You came down the day before election to the office of Jonathan R. Davis?—A. Yes.

Q. At whose request?—A. Lladislaw, the gentleman last called.

Q. When you first came to Mr. Davis's office was he there?—A. No.

Q. Then you went up to his office again?—A. Yes.

Q. The same day?—A. Yes.

Q. When you went over to see him the second time you found Mr. Bowman?—A. Yes; and after Mr. Davis came.

Q. Bowman was in there and Davis came in afterwards?—A. Yes.

Q. Go on and state the conversation that was had there by Davis with you gentlemen. Tell what was said and done.—A. Mr. Davis said—he asked me what we wanted, and Lladislaw said we don't want anything, we would like to find out what you want of us, and he asked where we came from, and we say from Duryea, because Robert Bowen sent us down here in regard to see somebody, and he said are you from the fourth ward, the Polish Club, and we say, yes, and he said we would like to have you support Mr. Bowman for Congressman, and I said, we don't know what we are going to do, because we two fellows can't do anything, better you come down to Duryea and see the other voters, that is all I know. Afterwards Mr. Davis gave me \$25. Here, he says, is \$25. Spend it treating the boys.

Q. Was any of that money given for the purpose of paying watchers?—A. No, sir.

Q. It was given to treat?—A. Given to spend.

Q. Did you see Bowman that night up in Duryea?—A. Yes.

Q. What, if anything, did Bowman say to you about buying the boys beer?—A. In the first place, when he came in the hall he talked Washington; talked about history, Washington, and Pulaski. He had gone outside; I didn't see him in the barroom.

Q. You didn't see him in the barroom?—A. No, sir.

Q. What, if anything, did he say about treating the boys?—A. He never was there. He never treated the boys; he never was there. I don't know who treated, but I think Robert Bowen.

Mr. DANDO. Don't think.

Q. Mr. LENAHAN. The boys were all treated?—A. I treated myself; I had a quart of whiskey because I have to pay for it.

Q. Did you sign any receipt saying you got \$25 for the employment of watchers?—A. No; when he gave me the \$25 I signed a receipt, and that is all I know about the case.

(No cross-examination.)

MR. THOMAS J. HATTON called on behalf of the contestant and duly sworn by Commissioner Turner.

Examination by Mr. JENKINS:

Q. You have been subpoenaed here to produce the ballot box of the second ward of the Borough of Edwardsville?—A. Yes.

Q. What office do you hold in the Borough of Edwardsville?—A. Burgess and Justice of the peace.

Q. When were you elected Justice of the peace?—A. My commission expires in 1912, about 1906 or 1907.

Q. Whether or not the ballot box for the second ward was delivered to your custody on the night of election?—A. Yes.

Q. Who brought it to you?—A. McFadden there and one of the others, I couldn't tell just who it was.

Q. What did you do with it?—A. Locked it up where we always put the ballot boxes.

Q. Did you lock the ballot box?—A. No, I locked it up.

Q. Where did you put it?—A. In a portion of the lockup. There is a place there.

Q. It is a sort of a hallway?—A. Yes.

Q. Is that hallway separated from the open hallway of the building or locked off from it?—A. The open hallway of the building—there is a door that is locked between where this box was and the open hallway.

Q. So this box was behind a locked door as far as the open hallway is concerned?—A. Yes.

Q. And you have a key to that door?—A. Yes.

Q. And when you open one door to which you have a key you find yourself in the hallway, which leads into the lockup, is that right?—A. Yes.

Q. How many persons besides yourself have a key to that hallway or that door?—A. Why, the janitors—they go in there to clean—and the patrolmen.

Q. How many patrolmen?—A. Five. Well, there are three patrolmen and the chief and assistant chief.

Q. So that five policemen and the janitor besides yourself have a key to that hallway?—A. Yes.

Q. And among the five patrolmen who would thus have a key to that hallway is Mr. Kennedy, whose name has appeared in this proceeding?—A. Yes.

Q. Is Kennedy still on the police force there?—A. Yes.

Q. He is the assistant chief of police?—A. Yes.

Q. He has been suspended several times within the last year or two, hasn't he?—No, sir.

Q. How long have you been chief burgess?—A. Two years and six months.

Q. Wasn't Kennedy laid off more than once from his duties as a policeman since you held the office of burgess?—A. He has not been laid off; I gave him 10 days, I think.

Q. When was that?—A. August or September; I would not be positive, but on two different occasions, I think.

Q. Charges were preferred against him at the time you gave him the 10 days?

(Objected to as immaterial and irrelevant.)

A. No, sir. I wish to correct that testimony. I said I thought twice, but it is only once.

Q. That is last fall?—A. I didn't suspend him last fall.

Q. When did you suspend him?—A. Away back last summer; I think it was in June.

Q. And that suspension was due to certain investigations that you and other officers of the borough made with respect to his official conduct, wasn't it?—A. No.

Q. Do you know?—A. I wish to correct my testimony in regard to the suspension. I didn't suspend him at all; I never did.

Q. You said you gave him 10 days, didn't you?—A. I said that on the spur of the moment; but when I come to think of it, if you will allow me I will explain. The first time, last June the chief was away and I was taking charge of the street one night, and I gave Kennedy a lecture on the street for not doing,

as I thought, was his duty, and the next day he came in and handed me his resignation, but I didn't suspend him.

Q. That resignation was operative for about 10 days or a couple of weeks?—A. I said, "Tom, I won't accept your resignation; I will give you 10 days. I will give you that long to consider it, and if at the end of the 10 days you are of the same mind as you are now, I will accept it."

Q. That was some time last summer?—A. I think it was in June.

Q. Is that the only time since you have been burgess that there has been a suspension for the time being of Kennedy's activities, due to the question being raised as to the propriety of his official conduct?—A. That is the only time that I took any hold.

Q. That is not answering my question. Answer it, please. Is that the only time since you have been burgess that there has been a suspension for the time being of Kennedy's activities, due to a question being raised as to the propriety of his official conduct?—A. No; that is not the only time.

Q. I thought it was not. There have been other times since you have been chief burgess when his performance of his duty has been suspended because of inquiry being made with respect to the propriety of his official conduct; there have been other such times?—A. There was one other time; yes.

Q. I won't ask you what the conduct was or what the charges were.—A. I don't know; I didn't suspend him.

Q. You know that he was charged, within a couple of months—in January or somewhere thereabouts—with a very serious offense and arrested for it; you know that, don't you?—A. Yes.

Q. And that he is now under indictment?—A. I think he is.

Q. You have produced the ballot box here this morning?—A. Yes.

Q. And it is now in the condition in which it was delivered to you on the night of election, is it?—A. To the best of my knowledge; yes, sir.

Q. So far as you know, it is in the condition in which it was delivered to you at the time of the election?—A. Yes.

(Contestants ask that the commissioners impound the ballot box.)

Mr. JONES. We offer the same objection as has been made to the previous requests of a similar character, relative to other ballot boxes.

Mr. JONES. The offense that Kennedy is charged with is assault and battery, isn't it?—A. I have heard so; I don't know anything about it.

Mr. JAMES F. McFAIDEN recalled on behalf of the contestant.

Examination by Mr. JENKINS:

Q. Have you with you the key to the ballot box just produced by Squire Hatton and impounded in this case?—A. Yes.

Q. Will you deliver that key to the custody of the commissioners in this case?—A. Yes.

Mr. JENKINS. We ask Commissioner Arthur L. Turner to take into his possession the key and impound the same.

Mr. PETER QUINN called on behalf of contestant and duly sworn.

Examination by Mr. JENKINS:

Q. Where do you live?—A. In Wilkes-Barre township, on Blackman Street.

Q. It has been testified here that on Sunday night preceding the election, that would be Sunday, the 6th of November, 1910; on the evening of November 6 you came to the Record office—to the office of the Wilkes-Barre Record in this city. Did you go to this office on Sunday night, November 6?—A. No, sir.

Q. When did you visit the Record office?—A. Monday night, between 10 and 11 o'clock.

Q. On Monday night, November 7?—A. Yes.

Q. You did visit the Record office then?—A. Yes.

Cross-examination by Mr. JONES:

Q. You are a hotel keeper, Mr. Quinn?—A. Yes.

Q. And you went to the Record office to protest against the action of the brewery collector in leaving some letter there at your place?—A. I made my objection there, and I only stopped 10 minutes there.

Mr. JENKINS. That was on Monday night?—A. Yes.

Q. Have you a copy of that letter?—A. I left it with the night editor, Eugene Giering. I handed it to him and wanted to sign my name to a piece. I told him to get it up for me, and I gave him my statement and I told him, if you got a piece of paper I will sign it, and he said, your word is as good as your signature.

Redirect examination by Mr. JONES:

Q. What you said was that the brewery collector left an article at your house?—A. Yes; and I didn't like it. I said I didn't want anybody to influence me as far as a matter of voting is concerned.

Q. You had heard, hadn't you, that brewery agents were very active in this election?—A. Well, I heard they were, but I am not swearing about what I heard.

Q. But you heard it?—A. Yes.

Redirect examination by Mr. JENKINS:

Q. I show you a circular letter, dated Wilkes-Barre, Pa., October 31, 1910, and addressed "My Dear Sir," and signed, "Yours, sincerely, Pennsylvania Anti-Saloon League, C. H. Brandt, District Superintendent." I ask you to look at this letter and say whether that is the circular letter you protested against or whether that is a copy.—A. I read the contents of it at the time and I got sort of huffy: when I am in favor of saloon keepers or anyone else I can investigate it for myself. For I got a little mad to think that anybody would make so little of me as to leave that in my place and in my absence, and I went to my neighbors, three or four of them, who are foreigners, all of them, and then I came back and I went back of the bar and took a drink of whiskey and I got my hat and overcoat and came down and I went straight to the place—I was in no other place than in the Record office, and there I inquired for Glering and asked him to take a sheet of paper and write it, as he could write it better than I could, and he said "Never mind, Peter, your word is as good as your signature," and it came out in the paper the next morning, the morning of election. It was headed "The Eleventh Hour"—

Q. I will ask you to look that letter over and state whether or not that is a copy of that circular letter.—A. Well, I had a copy of it. It looks cleaner than the one given to me, because it was soiled and all crumpled up, and it looked twice as big as this. I handed it to Gene Glering, and I didn't see it since.

Q. Can you tell whether that is it?—A. No; I can't tell. It was a bigger document than that.

Q. Suppose you read it?—A. I don't think that is the same thing as the one that I gave to Glering. I just read it once before I started from home.

Cross-examination by Mr. JONES:

Q. Who was the man who left this particular circular at this place?—A. It is a collector for the brewery. His last name is McAndrew; a big, fine-looking man.

Q. He is a collector for Stegmaier Brewing Co.?—A. Yes; he has been since I have been in business up there.

Q. You say you went to four or five of your saloon-keeper neighbors who lived near you?—A. Yes.

Q. And you investigated this thing?—A. Yes.

Q. Did you find that McAndrew had left a paper there to the same effect in those places?—A. I would rather not answer that question, as it might bring me into some private conversation between me and them.

Q. Did you find such a letter in those places?—A. Yes.

(Hearing adjourned until 2 p. m., at the office of the county commissioners.)

Now, Wednesday, March 23, 1911, hearing resumed at 2 p. m. at the office of county commissioners of Luzerne County, pursuant to adjournment of forenoon session.

Appearances: John E. Jenkins, Esq., Edwin Shortz, Esq., counsel for contestant; Evan C. Jones, Esq., counsel for contestee; John H. Dando, Esq.; Arthur L. Turner, Esq., contestant's commissioner; John A. Opp, Esq., contestee's commissioner.

Contestant offers in evidence agreement between counsel for contestant and contestee, as follows:

In re election contest of George R. McLean, contestant, v. Charles C. Bowman, contestee, for Representative in Congress from the eleventh congressional district of the State of Pennsylvania, contesting the election held for said office in said district on the 8th day of November, 1910.

Now, the 15th day of March, 1911, it is hereby agreed that the testimony of all witnesses taken by Stenographers Thomas A. McAndrews, for contestant, and Harry F. Geddes, for contestee, except where material variations shall

appear in the testimony, as transcribed by them, shall be read in evidence and have the same force and effect as though said testimony had been read and signed by all the witnesses giving the testimony.

F. W. WHEATON,
Of Counsel for Contestee.
JOHN T. LENAHAN,
Of Counsel for Contestant.

(Contestant offers in evidence record in the county commissioners office of the primary election held on June 4, 1910, in Luzerne County, of the borough of Warrior Run, showing the Republican vote to be as follows:

For Congress: Barrett, 3; Bowman, 114; Robinson, 1.

For Senator: James, 116; Leib, 1; Lewis, 2.

For representative in the general assembly: Fox, 1; McKeown, 108; Swartwood, 9.

For delegate to State convention: Bulloch, 2; Keck, 3; Thomas, 114.

The Democratic vote being as follows:

For Congress: Davis, 39; McLean, 5.

For State senator: DeWitt, 5; James, 28; Leib, 1; Lewis, 9.

For representative in the general assembly: McGeever, 45.

For delegate to the State convention: Thomas F. Farrell, 41; Toole, 1; Fenner, 1.)

Mr. DANDO. This evidence is all objected to as not having been taken from the original returns, but from the book containing said records, and therefore it is not the best evidence, and, second, that it is immaterial, irrelevant, and incompetent as to the matters at issue.

(The contestant offers in evidence the files in proceedings Nos. 1, 1 $\frac{1}{2}$, 2, 3, 4, 5, 6, and 6 $\frac{1}{2}$. September sessions, 1910, court of quarter sessions of Luzerne County, including the opinions and charges of the court to the jury in all of said cases that were tried before a jury and in which opinions were filed by the court. Reserving the right to the contestant to transcribe into the record so much of the documents now offered as are, in the opinion of the contestant, pertinent to this issue.)

Pursuant to the above reservation in the offer the contestant now offers for the purpose of being transcribed into the record the opinion and decree of the court in the following cases, to wit:

Luzerne County, ss. In re count of vote cast at primary election June 4, 1910, in the Warrior Run Borough election district for the office of representative in general assembly.

No. 88, October term, 1910. In the court of common pleas of Luzerne County. Appeal to court by Michael Shannon, Democratic candidate for representative.

OPINION AND DECREE.

This case comes here in due course of proceedings prescribed by section 11 of the primary act (1906 P. L. 36) and has been fully heard with representation of all parties concerned.

The election was held June 4, 1910; the returns from this district were deposited June 6 and the canvass by the commissioners was begun June 8, when petition averring fraud was presented, the ballot box opened, and recount made, from which the appeal was taken June 11.

The returns, recount, registry, contents of ballot box, and oral evidence establish these

FACTS:

1. The vote returned for the office of representative was of Democratic votes, 45 for Patrick McGeever and none for Michael F. Shannon, and of Republican votes 1 for J. Roscoe Fox, 108 for Frank McQuown, and 9 for Milton C. Swartwood.

2. The recount of the Democratic votes by the commissioners showed 45 for McGeever and none for Shannon.

3. The count of the ballots in the box by the court was of Democratic ballots 45 for McGeever and none for Shannon, and of Republican ballots 2 for Fox, 96 for McQuown, and 20 for Swartwood.

4. The vote as returned by the board and canvassed by the commissioners, though not recounted, on delegate to State convention was of Republican votes, for Robert Bulloch 2, for Charles E. Keck 3, and for Enoch Thomas 114.

The count of the same by the court showed ballots for Bullock 3, for Keck 13, and for Thomas 101.

5. The vote as returned by the board on State senator was, of Democratic votes, for Edward F. James 41, for John C. Lewis 4; and the recount of the same by the commissioners showed, for A. K. DeWitt 5, for James 28, for William S. Leib 1, for Lewis 9.

6. The list of Republican voters returned by the board purported to contain the names of 121 persons, although the biggest Republican vote for any office at the next preceding general election was 79, a demonstration of at least 42 unqualified voters upon the said list.

7. The list of Democratic voters returned by the board purported to contain the names of 43 persons, although the highest Democratic vote for any office at the next preceding general election was 37, a demonstration of at least 6 unqualified voters upon the said list.

8. At least 25 persons voting, and perhaps a larger number, were permitted to receive assistance in marking their ballots without first making an affidavit, as the law requires, of mental disability to read or of physical disability to mark. One of the individuals most active at the polls in furnishing this unlawful assistance, was the candidate for delegate to State convention, who received the largest number of votes.

9. The county commissioners had prepared and furnished to the election officers for use at the said election 75 official ballots of the Democratic Party and 165 official ballots of the Republican Party.

10. When the ballot box was opened by the county commissioners it was found to contain 22 unused and 45 used official Democratic ballots, total 67, leaving 8 unaccounted; and 45 unused and 119 used official Republican tickets, total 164, leaving 1 unaccounted.

The number of 45 used Democratic ballots was 2 in excess of the number returned as having voted, while the number of 119 used Republican ballots was 2 less than the number returned as having voted.

11. Ten names upon the Democratic list was not upon the registry.

12. Twenty-eight names upon the Republican list were not upon the registry.

13. Only five affidavits of unregistered voters were found in the box, and only five were used in the election. One of these was not signed at all by the voter or his witness, and one other was not signed by the person administering the oath, if it was administered.

14. The registry contains 217 names. The voting check list and the ballot check list each purport to contain 230 names. The voting check list was improperly used instead, of the ballot check list for marking with the letter "B," the names of persons who received ballots; 132 names are thus marked.

15. The election board was composed of Stewart Hettig, judge; James Moore, minority inspector; Richard Thomas, majority inspector; John Stinson, clerk for minority inspector; and H. H. Jenkins, clerk for majority inspector.

16. During the absence of said Jenkins between the hours of 6 and 7 p. m., one Edward S. Williams officiated as clerk in his place, without making any affidavit, although he was sworn in some sort of loose oral fashion by the judge.

17. Said Williams is the principal of the public school at Warrior Run, in which the youth of that borough are taught that an honest election is the palladium of liberty.

18. On the Democratic list of voters are the names of four, Nos. 2, 11, 27, and 37, who voted for Michael F. Shannon, although none are returned as voting for him.

19. On the same list the person named as No. 38 did not vote at all.

20. On the same list the person named as No. 39 did not vote at all.

21. On the same list the person named as No. 40 did not vote at all, and is a nonresident of the district.

22. On the same list the person named as No. 41 did not vote at all and does not exist.

23. On the same list the person named as No. 42 appears on the Republican list as No. 112, so that if he voted at all he voted twice or was counted twice, each time in a different political capacity, but in fact he did not vote at all.

24. On the same list the person named as No. 43 did not vote at all and is a nonresident of the district, being dead for months before the election.

25. On the same list the names of persons Nos. 38, 39, 40, 41, 42, and 43 aforesaid, were written upon the list by the said Williams, the preceding 37 names having been written by the said Stinson.

26. On the Republican list the person named as No. 39 did not vote at all, being beyond sea in the land of Wales.
 27. On the same list the person named as No. 45 did not vote at all.
 28. On the same list the person named as No. 47 did not vote at all.
 29. On the same list the person named as No. 48 did not vote at all, being beyond sea in the land of Italy.
 30. On the same list the person named as No. 53 did not vote at all and is a nonresident, being dead.
 31. On the same list the person named as No. 53 did not vote at all.
 32. On the same list the person named as No. 59 did not vote at all and is a nonresident.
 33. On the same list the person named as No. 33 appears also as No. 117, so that if he voted at all, he voted twice or was counted twice; but in fact he did not vote at all, being a nonresident.
 34. On the same list the person named as No. 100 did not vote at all and is a nonresident.
 35. On the same list the person named as No. 104 did not vote at all.
 36. On the same list the person named as No. 110 did not vote at all.
 37. On the same list the person named as No. 114 did not vote at all.
 38. On the same list the person named as No. 115 did not vote at all.
 39. On the same list the person named as No. 115 is again named as No. 116.
 40. On the same list the names of the persons numbered 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 were written upon the list by said Williams, the preceding 104 having been written by the said Stinson.

41. On the same list all of the 17 names thus written by Williams appear in alphabetical order, viz., R, G, H, J, K, L, M, P, R, S, suggesting the phenomenal coincidence of that many persons appearing to vote in that order, and also suggesting as the solution that their names were transferred from the alphabetical registry to the list of voters without any appearance at all. We reject the theory of coincidence and adopt the theory of transfer, finding that none of them did in fact appear to vote.

42. Several members of the board, on being called, claimed the privilege of not answering on the ground of self-incrimination, although they did not press the claim. None of them vouchsafed any explanation of the matters above enumerated except by suggesting that false impersonations might have been practiced upon them without their knowledge.

The excuse, if true, would be as bad as the offense which it seeks to palliate, but in fact it is not true, for the members of the board were fully acquainted with the voters of the district.

We apply no pungent epithets to this performance and its participants. The naked facts are pungent enough. The entire return upon which the commissioners based their canvass of the vote and the contents of the ballot box upon which they based their recount were dead and putrefying things when they left the election officers, and possessed no more vitality when they reached the commissioners than the bones of the dead men returned as having voted.

The job, indeed, was one for a coroner and not for the commissioners. It should also furnish a job for the district attorney.

The commissioners had nothing to count, for the ballots in that box had no more virtue than dead leaves in autumn. The few good, if any, were hopelessly swallowed up in the general badness. By fraud, by forgery, by disregard of duty, by sins of omission as well as of commission, this entire return is tainted beyond possibility of discrimination.

We may err in our treatment of this subject, as more intelligent courts have decided, but until authoritatively declared wrong, we shall simply try to be consistent with the conclusions announced in our former decisions (South and Fourth Pittston, XIV, L. L. R., 167, and 10th Plains, MSS. No. 2, March term, 1909) by the following

DECREE.

Now, July 7, 1909, the return of 45 votes in the election district of Warrior Run Borough for Patrick McGeever as representative in the general assembly, as recounted by the county commissioners, is corrected upon this appeal by further recount and reduction to nothing.

BY THE COURT.

(Contestant offers in evidence the files and opinion of the court in Shannon's appeal from count of county commissioners of the primary election vote in Warrior Run Borough, June 4, 1910, No. 88, October term, 1910, common plens of Luzerne County.

Objected to as immaterial and irrelevant to this inquiry.)
Commonwealth of Pennsylvania v. Stewart Hettig, Richard Thomas, James Moore, John Stinson, N. H. Jenkins, and Edward Williams.

No. 14, September session, 1910. In the court of quarter sessions of Luzerne County. Indictment for conspiracy to violate election laws.

Opinion and judgment of the court discharging rule in arrest of judgment for new trial.

On the 4th day of June, 1910, there was a primary election held in the borough of Warrior Run, at which were present Stewart Hettig, judge; Richard Thomas, inspector; James Moore, inspector; John Stinson and N. H. Jenkins, clerks; sitting as an election board from 2 p. m. to 8 p. m.; Edward Williams acting as clerk in place of said N. H. Jenkins a part of the time.

There were 141 votes cast, as appears by the proper names on the voting list, 155 ballots found in the ballot box; but there were written upon the voting lists as having voted the names of 163 voters, the discrepancy in names being made up of men who did not vote that day. Fifteen of the men whose names were included in this list testified that they did not vote on that day, and the other persons, as testified to, were not here on that day—one was in Wales, one in Rome, several were dead, and the rest either did not live there or else never had been known. A number of these names were written on the voters' list in alphabetical order.

The tally sheets and return sheets as signed and handed in showed marked falsifications in the returns, e. g., for the Democratic ticket there were cast 45 ballots. They were returned as follows:

Name.	Ballots.	Returned.
James.....	29	41
Lelb.....	1	0
Lewis.....	8	4
Dewitt.....	5	0
	48	46

State senator.

And for all the other offices ballots were counted and returned as they appeared to have been cast.

For the Republican ticket there were cast 112 ballots, and returned as follows:

Congressman.

Name.	Ballots.	Returned.
Barrett.....	5	3
Bowman.....	96	114
Robinson.....	7	1
	109	118

State senator.

Name.	Ballots.	Returned.
James.....	102	106
Lelb	2	1
Lewis.....	6	6
	2	2
	112	118

Representative

Name.	Ballots.	Returned.
Fox.....	2	1
McGowan.....	88	108
Swartwood.....	19	9
	1	-----
	110	118

Delegate to State convention.

Name.	Ballots.	Returned.
Bullock.....	3	2
Keck.....	13	3
Thomas.....	98	114
	2	-----
	111	119

And which was, in fact, robbing, in the several instances, one man of the votes cast for him and giving to another votes never cast for him, and, considering the comparatively small number of votes cast, it was a bold attempt to defraud the voters.

All of the election board, including Williams, were indicted for conspiracy in violation of the election laws under three counts, the first, relating to the attempted fraud upon Michael F. Shannon; the second, in causing to have written on the list of voters the names of a large number of voters as having voted, who, in truth, did not vote; and the third, having unlawfully and fraudulently procured and made a false and fraudulent return, all being to the prejudice, *inter alia*, of the electors of said election district.

There was no real dispute at the trial about the facts, and the court would have sustained a verdict of guilty against Stinson and Jenkins if they had been convicted. No such glaring fraud could have been perpetrated if these men had been acting honestly and performing the duties of their offices according to law. The jury, however, saw fit to acquit Jenkins and Stinson, the clerks, and convict Hittig, the Judge, and Thomas and Moore, the inspectors, under the second count. Why the verdict was not guilty under the third count, we are at a loss to understand, but are satisfied with a verdict under any count under the indictment on which they were tried. The jury must have thought Moore did know about the voting list, although the court was of a different opinion, and, under the circumstances, we are inclined to take their view.

The convicted defendants have moved in arrest of judgment and for a new trial, upon three grounds, viz:

First. The indictment does not aver an indictable offense.

Second. The court erred in permitting the Commonwealth to challenge peremptorily the juror, John Howland, after said juror had been accepted by the Commonwealth and passed to the defendant.

Third. The testimony taken in the contested election of Michael Shannon v. Patrick McGeever for Representative was adduced before the grand jury in the above-stated case.

First reason. Under the first reason assigned by the defendants, counsel contended that the defendants were indicted as individuals and not as election officers, and that the uniform-primaryes act of 1906, Pennsylvania Laws, 36, did not provide for any violation of the law, except by election officers, and therefore the defendants could not be indicted as individuals for a conspiracy to either defraud as election officers by not counting the votes properly or by adding names to the voters' list or by making a false return.

This question, to our mind, has been so clearly settled that it seems almost a work of supererogation for us to add anything further in the way of an opinion upon it. But as it is such a vital matter, we feel that it will do no harm, and probably good, to reiterate the reasons why an indictment of this kind is good and sufficient.

The case of Commonwealth v. McHale, 97 Pennsylvania, 397, so well known to the profession, is the leading case upon the question of conspiracy to violate the election laws. It holds that: "Offenses against the purity and fairness of public elections are crimes at common law and indictable as such." And that an indictment charging a conspiracy to commit certain offenses against the election laws was good, and we gather from it that it is immaterial whether the persons who so conspired to violate the election laws were election officers or individuals.

And, as following and approving the decision in the aforesaid case, it is held, in Commonwealth v. Randolph, 146 Pennsylvania, 83, that:

"The test whether or not a crime is a crime at common law is not whether precedence for so treating it can be found in the books, but whether it injuriously affects the public policy and economy."

And, as having a direct bearing upon the present case, attention is called to the case of Commonwealth v. Young, 16 Supreme Court, 317, in which, inter alia, Judge Porter said: "Primary elections for the purpose of nominating candidates for State offices come within the express protection of the statute;" and speaking of a false count of the ballots cast for judge of a primary election and a false certificate as to the person elected, he further said:

"If the acts of the defendants did not constitute an offense under the statute, were they indictable upon the principles of the common law? This question is to be determined not upon whether a precise definition of the offense can be found in the text books or in the adjudged English cases, for elections of this character were unknown at the time of our separation from the mother country; but we must look to the principles upon which the common law rests. Many acts which necessarily tend to corrupt the Government and affect public rights are punishable at common law in the absence of any express statute providing a penalty. * * * Every qualified voter at an election authorized by law is entitled to give one vote for every officer to be elected. The person who gives more infringes and violates the rights of other voters, and he who by a false and fraudulent computation of the votes apparently changes the result of an election violates the rights of all the electors; and, in the absence of a statutory provision for such an offense, the common law gives an indictment. Commonwealth v. McHale, 97 Pa., 407. * * * the acts of June 19, 1891, Pa. Laws, 349, June 10, 1893, Pa. Laws, 419, and July 9, 1897, Pa. Laws, 223, regulating the nomination and election of public officers, recognize the rules and regulations of political parties and make them a part of the machinery provided by law for the election of public officers. These acts of assembly give to political parties which have polled the required number of votes the right to certify nomination for public officers and require the expenditure of public money to print the names of the candidates so certified upon the official ballot. * * * It is clearly to the interest of public society that the proceedings which, under the rules of the several parties, lead up to the certification of these nominations should be free from fraud and corruption. These acts of assembly are election laws of the Commonwealth within the meaning of section 9, article 8, of the constitution. (Leonard v. Commonwealth, 112 Pa., 607.) Any willful act, done with fraudulent intent, which falsifies the result of any election which under the rules of the party is preliminary to the certification of such nominations, must necessarily affect public society. The crime is not merely against the voters of a particular party, but it is against all the electors in whose hands the official ballot is placed and against the public whose money is expended in the printing of a ballot, the nominations upon which are tainted with fraud. In the absence of a statute such a crime is indictable at common law."

The act of 1906, Pennsylvania Laws, 36, went very much further in its provisions relating to primary elections. The intention of the legislature was to make all primary elections of all parties uniform, and it is very full and exceedingly specific in the requirements and provisions relative to the holding of primary elections, and, under the cases cited, there seems to us no question about the sufficiency of an indictment charging conspiracy to violate any of the provisions of this act, or of any primary election, in any of the ways as included in the offenses charged in the indictment under consideration; and for this reason we say that there is no merit in the first reason assigned by the defendants.

Second reason. As to the second reason of the defendants, alleging error upon the part of the court for sustaining the peremptory challenge of John Howland, a juror, after he had been passed to the defendants for challenge,

the counsel for the defendants relied upon the case of the Commonwealth v. Evans, Pennsylvania, 369, the syllabus of which is as follows:

"Where counsel for defendant in a criminal case, after having examined a juror turns him over to the Commonwealth for cross-examination, and the Commonwealth accepts the juror without cross-examination, the defendant will not then be allowed peremptorily to challenge him."

The facts in the present case are so dissimilar to those in Commonwealth v. Evans that the reason given in the latter case has no bearing upon the present one. The facts with reference to this challenge were as follows.

From the record:

"John Howland, a juror, having been sworn on his vor dire and examined by the Commonwealth's counsel and accepted by Commonwealth's counsel, Mr. Valentine, district attorney, states to the court as follows:

"I thought the name was John B. Howell, and it turns out to be John Howland. I accepted the juror under that impression and asked the privilege of reexamining him.

"The COURT. We will give you the privilege.

"Mr. VALENTINE (to juror). For whom do you work?—A. John A. Redington.

"Mr. VALENTINE. Challenge.

"Mr. LENAHAN. We object, the juror having been passed to the defendants, the Commonwealth can not interpose a peremptory challenge now."

"The COURT (to the court reporter). You may note the passing of the juror was done under a wrong impression as to his name and before the defendants or their counsel had taken any initiative as to challenging as asking questions, the counsel for Commonwealth informed that court of their mistake and asked the privilege of reconsidering their passage of the juror and their exercising their choice of challenge, which the court, under the circumstances, permitted."

While it does not appear as part of the stenographer's notes, it does appear from the jury list, which was present in court, that the man for whom John B. Howell was taken as a waiter (as he testified), in the employ of John A. Redington. While John B. Howell, about whom the mistake was made, was a merchant, and the district attorney might well make a distinction in the consideration of his challenge in the different occupations of the two men.

This case differs from the case of Commonwealth v. Evans, supra, in this, that there was the element of unfairness to the defendant in the former case which is entirely lacking in the latter. In the case of Commonwealth v. Evans the defendant had accepted the juror and turned him over to the Commonwealth for cross-examination, and the Commonwealth had accepted him, and then, after the defendant found out how the Commonwealth viewed the juror, he asked the right to peremptorily challenge him. There was nothing of that kind in the present case. There was no unfairness at all exercised toward the defendants. The court is satisfied that the district attorney acted entirely under a mistaken idea as to the two men, and, he informing the court of this before any action whatsoever was taken by the defendants or their counsel, no harm was done to the defendants. They were deprived of no right and no advantage of any kind was taken of them, and we clearly think that there was no error committed by the court in this respect.

Third reason. The third reason assigned by counsel for defendants was upon this state of facts: During the term of the grand jury which found the indictment in the present case an indictment was presented against Edward Williams, one of the above-named defendants, and in the hearing of which certain testimony of his given at the contested election of Michael Shannon against Patrick McGeever was read before the said grand jury.

Almost at the close of this case in chief of the Commonwealth, Mr. Lenahan, one of defendant's counsel, stated to the court as follows: "For the first time in this case it has became known to the defendants and their counsel that testimony was taken before the grand jury in the hearing of these indictments for the purposes of procuring true bills. The motion now is that these indictments be quashed for that reason, it being the first knowledge that was brought to us of that fact. I purpose to embody this in an affidavit I want to make out more fully," which motion was denied.

During the argument, however, it was admitted by the district attorney that the testimony of Edward Williams, given in the said contested-election case, was read before the grand jury, but there was no other testimony or statement which connected that testimony with the present case, nor was it clear whether or not it was read before the present indictment was found or afterwards. As far as the effect upon Edward Williams is concerned, it is immaterial for the

reason that the court directed the jury in the present case to acquit Williams for the reason that, in its opinion, there was no sufficient evidence to sustain a conviction. And it is difficult to see how it could so injuriously affect the other defendants as would have warranted the court in the quashing of the indictment as asked for. There was nothing before the court either at the time the motion was made to quash the indictment nor since which threw any light upon how Edward Williams came to give this testimony. It does not appear that he was compelled to do so, and, in the absence of any testimony to that effect, it is our duty to consider that he gave the testimony not under compulsion, but voluntarily, and, having given it voluntarily, it does not come under the provisions nor was it in violation of section 10, article 8, of the Constitution.

A person can not be compelled to give any testimony which might incriminate him, or lead to his conviction for any offense in connection therewith, but it needs no citation of authorities to sustain the proposition that, if a person in a collateral matter voluntarily gives testimony, that testimony can afterwards be used in the criminal courts for the purpose of convicting the person so testifying of a criminal charge, and we see nothing in the present proposition to distinguish it from the cases of confessions used for the purpose of conviction. There was no evidence that it influenced any grand juror, nor that it was given any consideration in the finding of the present case.

Substantially this same question has been considered in the case of Commonwealth v. Richardson (42 Sup. Ct., 337), wherein it was held:

"The mere fact that testimony was given by a witness in the judicial proceedings against a person charged with the offense of bribery is not a conclusive bar against the use of that testimony against a witness in a subsequent judicial proceeding against him. It is only a bar where it was given under some sort of compulsion. The words 'such testimony' in section 31, article 3, does not mean any testimony, but such as a person may have been 'compelled to testify.'

"Where the record of a prior case fails to show that the accused in a later case testified in obedience to a subpoena, or under compulsion, and also fails to show that he demurred to answer any question upon the ground that the answer might incriminate him, or on any other ground, the prior testimony of the accused may be used against him."

Chief Justice Rice handed down the opinion in that case, and there is nothing that we could add to it, and, in the light of the Commonwealth having the right to use this kind of testimony against the man who gave it, the defendant would have no good ground to urge the quashing of the indictment in the present case, because the Williams testimony was used before the grand jury. There is no reasonable theory which would have supported the court in the granting of the motion to quash this indictment for the reasons stated.

And now, November 10, 1910, for the reasons above stated, the rule to show cause why the judgment in the above case should not be arrested, is discharged; and, for the same reasons, the rule to show cause why a new trial should not be granted is discharged, and the said defendants, Steward Hettig, Richard Thomas, and John Moore, are directed to appear in court, room No. 1, city of Wilkes-Barre, on Tuesday, November 25, 1910, at half past 1 o'clock p. m. for sentence.

By the court:

CHAS. B. STAPLES,
President Judge, Forty-third Judicial District, Specially Presiding.

Mr. DANDO. This offer is objected to on the ground that it is irrelevant and immaterial and incompetent as to the matters at issue, and as well for the further reason that this covers matters prior to June 4, 1910, the date of the primaries, and that no notice was served upon the contestee in the notice of contest that such issues were raised in this contest.

Mr. JENKINS. The contestant now rests, reserving, however, in accordance with the agreement of senior counsel, Hon. F. W. Wheaton, the right to two additional days, during which evidence may be offered by the contestant as in chief.

Mr. JONES. To this reservation of the right to take testimony in chief on behalf of the contestant in this case by an alleged agreement between the senior counsel in this case and the contestant the contestee objects:

First. Because there was no such agreement between the contestant and anyone in his behalf and between the contestee or anyone in his behalf.

Second. Because there is nothing set forth in the offer as to what the alleged agreement consisted of, particularly as to why the extra allowance of two days should be made or when the extra allowance of two days should be made.

Third. This is objected to because the statute fixes the period within which the testimony of the contestant in chief, as well as that of the contestee, must be taken, and the time for taking the contestant's testimony in chief expires this day.

Fourth. The contestant has been placed at no disadvantage by lack of time in this proceeding, for the reason that he has taken testimony only on parts of 23 days out of the entire period of 40 days allowed to him.

Hearing adjourned until 10 a. m., March 23, 1911, at the sheriff's sales room, courthouse, city of Wilkes-Barre, Pa., at which time contestee will begin the taking of testimony.

We hereby certify that the foregoing-named witnesses were duly produced, sworn, and examined before the commissioners within named at the several times and places noted; that their testimony, as well as the contents of the various offers and exhibits and objections of the respective counsel, were taken down by us in shorthand; that the above and foregoing is a true and correct typewritten transcript of the same.

THOMAS A. MCANDREWS,
Stenographer.
H. F. GEDDES,
Stenographer.

Notice of hearing, names of witnesses, etc.

Testimony taken before Bayard Hand, Esq., a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, on the 25th day of February, 1911, at the house of James B. Gilboy, Main Street, Borough of Duryea, Luzerne County, Pa., pursuant to notice duly given by the contestant to the contestee, whereof the following is a true copy, together with the affidavit of service thereto annexed, to wit:

To Hon. CHARLES C. BOWMAN, contestee above named (or Hon. FRANK W. WHEATON and EVAN C. JONES, Esq., his attorney):

You are hereby notified that on Saturday, the 25th day of February, 1911, at 10 o'clock in the forenoon, at the house of James B. Gilboy, Esq., No. — Main Street, Borough of Duryea, Luzerne County, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you before Bayard Hand, Esq., a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows: James B. Gilboy and M. A. Cleary, Jr., of Duryea, Pa.

GEO. R. MCLEAN.

Service accepted February 23, 1911.

STATE OF PENNSYLVANIA, Luzerne County, ss.:

George R. McLean being duly sworn according to law, doth depose and say that he served the above notice upon Evan C. Jones, Esq., attorney for C. C. Bowman, contestee, personally, upon the 23d day of February, 1911, by making known the contents thereof to him and leaving with him a true and correct copy thereof.

GEO. R. MCLEAN.

Sworn and subscribed before me this 25th day of February, 1911.

AETHUB TURNER, Notary Public.

My commission expires January 21, 1915.

Appearances: W. S. McLean, Jr., Esq., for contestant; Evan C. Jones, Esq., for contestee.

MICHAEL A. CLEARY being called, produced, sworn, and examined, deposes and says:

Direct examination by Mr. MCLEAN:

Q. Mr. Cleary, where do you live?—A. Main Street, Duryea.

Q. What is your age?—A. 33.

Q. You were present at the polling place for the second ward of the borough of Duryea on November 8, 1910, were you?—A. Yes, sir.

Q. What time did you go there?—A. I got there at 7 o'clock or a few minutes after—wouldn't be later than 10 minutes after.

Q. Who were present there when you got there?—A. There were Dr. Baker and several Polish people, John Rigney, Squire Gilboy, John S. Eley, N. M. Murphy, and George Nailer.

Q. The election board organized at that time, did they not?—A. They were trying to organize.

Q. They were about to organize were they?—A. Yes.

Q. Who was the judges of election?—A. Geary A. Dills.

Q. What is his political faith?—A. Republican.

Q. Who was the majority inspector?—A. Thomas L. Williams.

Q. Who was the minority inspector?—A. Myself, Michael A. Cleary.

Q. Who had been the minority regularly-elected inspector?—A. F. D. Dills.

Q. Brother of Geary Dills?—A. Yes.

Q. He was to be the Democratic inspector?—A. Yes.

Q. When they organized, did F. A. Dills serve?—A. They were not organized then; they elected one; he wasn't there.

Q. What duties did John Rigney perform that day?—A. He was my clerk.

Q. He was to be your clerk?—A. Yes; clerk.

Q. What political faith did John Rigney belong to?—A. Republican.

Q. Does he hold an office under the borough here?—A. Yes, sir.

Q. He is a borough officeholder?—A. Yes, sir; elected on the Republican ticket.

Q. You were present there when Dr. Baker presented himself to vote, were you not?—A. Yes, sir.

Q. What occurred?—A. They were not ready to vote when he asked for the ballot; were not organized; there was a commotion there about something being in the box.

Q. There was a commotion about something in the box; the box was locked, was it?—A. Yes, sir.

Q. But Dr. Baker discovered that there was something in the box?—A. Yes, sir.

Q. Then, what occurred?—A. He wanted the box opened.

Q. What did Dr. Baker do?—A. He took hold of the box and shook it, and asked me to shake it and a couple of more citizens.

Q. When you shook it, what, if anything, did you find in the box?—A. There was something in there; it was locked.

Q. Had anybody voted, according to the voting list, at that time?—A. No, sir.

Q. What was then done with the box by the judge of election?—A. He carried the box out the back way; he said he didn't have a key; being judge of election he was going to have the box in his possession, and he took the box out.

Q. He took it out of sight of those at the polls?—A. Took it away, and was gone about five minutes; some time, anyway; and he came back.

Q. Did he have the box with him when he came back?—A. Yes, sir.

Q. Then, what occurred?—A. The box was locked yet, and the doctor and myself got hold of it and shook it, and there was something in there still.

Q. Did it seem to be the same contents which you discovered there before?—A. Yes, sir; apparently it was. The doctor seemed to think that there was something in there tied in a bundle at that time.

Q. Prior to that, whether or not there appeared to be something else in there; prior to the time when you shook it the second time?—A. Yes; something in there at that time, sure.

Q. Then, what occurred?—A. Then Dr. Baker and myself demanded that the box be opened, and Geary Dills, the judge of election, said he didn't have the key; that his brother had the key, and he went out looking for a key at that time; and he came back, I suppose 10 minutes later, with a key and unlocked the box.

Q. You don't know where he took the box the first time he went out, do you?—A. No; I don't know.

Q. The box was then opened, was it?—A. Yes, sir.

Q. Now, at that time the board had organized, had it not?—A. No, sir.

Q. What was then done in reference to the organization of the board?—A. Well, I refused to serve until the box was opened, and I wouldn't be sworn in until the box was opened; then, when I was making so much trouble for them on account of insisting upon having the box open, they didn't want me to serve. Then some of the citizens claimed that they should elect an inspector after all, and some claimed that I was not entitled to serve, as another man had served at the primaries, and the judge of election looked up the election laws on that point. You could see he didn't want me to serve; so, finally, when I insisted and said that there must be a Democrat serving on the board, and there was no other Democrat there, why, eventually I carried my point and—

Q. And the box was then opened and the contents removed, and it was closed again, was it not?—A. Yes, sir.

Q. And you were then sworn in as the minority inspector?—A. Yes, sir.

Q. Who suggested the name of John Rigney to act as your clerk?—A. Squire Williams and Geary Dills.

Q. They determined that he should act as your clerk?—A. They didn't ask me to pick my clerk. I was kind of excited at the time, and there alone—

Q. They would not permit you, then, to have a man of your political faith act as your clerk?—A. No, sir; my intentions were to get another man on that board instead of Rigney.

Q. Whether or not you made an examination of the blank ballots which are sent to the election boards for the purpose of use. Did you examine those books?—A. Yes, sir.

Q. What condition did you find the books in?—A. There were bulletins gone from two of the tablets; the center was pretty well taken out.

Q. Of two of the books of blank ballots?—A. There was nothing there but the stubs.

Q. All those bulletins had been removed from two of those books?—A. Yes, sir.

Q. About how many bulletins, from your examination, appeared to be gone?—A. Well, I should think there would be 100 easily enough; of course, I don't know how many.

Q. There were 75 bulletins to a book?—A. Well, they were pretty well gone out of two of them; I don't know how many in a book.

Q. Did you make any inquiry of the judge of election as to where these bulletins were?—A. I asked them where they were—several citizens were there—where they supposed the bulletins had gone to.

Q. Was there any explanation given you of their absence by the judge of election?—A. Nobody seemed to know where they were.

Q. You then proceeded with the election, did you not?—A. Yes, sir.

Q. Whether or not you saw Robert W. Bowman, driver boss for the Lehigh Valley Coal Co., at the election booth the greater part of the day?—A. Yes, sir.

Q. And Thomas Jones, fire boss for the D. L. & W.?—A. Yes, sir.

Q. And Robert Metcalf, fire boss for the Pennsylvania Coal Co.?—A. Yes, sir.

Q. What was their conduct in reference to the voters upon their presenting themselves on the outside of the booth?—A. The conduct of them citizens?

Q. Yes; those three citizens.—A. Well, they seemed to be right there all the time, and talking to prospective voters as they came in.

Q. Did they come accompanied by any man to the election booth?—A. They brought several men in there.

Q. Did they come inside of the polling place proper and enter the booth with the voters?—A. They did at times; yes.

Q. What was their conduct in the polling place in reference to the ballot box; were you always able to see the ballot box during the course of the day?—A. No; several times there, a good many times, I had to ask them to keep away from the box.

Q. (By Mr. EVAN JONES.) You had to ask whom to keep away?—A. Well, them men, some of them men.

Q. The men whose names were mentioned to you here?—A. Yes; and another man named Courtright, pretty prominent there—

Q. What is Courtright's occupation?—A. I don't know.

Q. Is a fire boss for the D. L. & W. Co.?—A. Something like that; I think he is.

Q. Who prepared the list of voters containing the names of the alleged voters at the polls that day?—A. Prepared the list of voters?

Q. Yes. Who placed their names upon the list as they presented themselves?—A. The clerks would write the name down when they would appear.

Q. Were you always able to check off their names on your voting book?—A. Not always; it was pretty difficult; they were foreigners.

Q. Were you required at times to leave the polling place during the day?—Yes, sir.

Q. Did you ask anyone outside of the board to watch the proceedings there in your absence?—A. Yes, sir.

Q. Whom did you ask?—A. I asked James Cosgrove several times.

Q. Was there any other Democrat on that board that day?—A. No, sir.

Q. Were the ballots of some of the voters prepared by others than the voters themselves?—A. Well, there were several other citizens went into the booth with them; one would take some of these men in with them; some one of these men—

Q. One of the men whose names have already been mentioned—Bowman, Courtright, Metcalf, or Jones?—A. Yes; they voted quite a few.

Q. Was any satisfactory explanation made to you on election day, or since, by the judge of election as to the absence of those ballots, those blank ballots?—A. They always told me they didn't know anything about them.

Q. And they were not there before the board at the time the polls were closed and the votes were counted?—A. No, sir; they were not there.

Q. Did you at any time caution these men whose names have been mentioned that their conduct was not lawful about the polling place?

(Objected to by Mr. Jones as leading.)

A. I told them that I was glad that I wasn't tied down to coal companies and breweries to be driven to the polls like a yellow dog, like some of our citizens were; that's what I told them.

Q. Did they desist then from their conduct at the polls?—A. No, sir.

Q. Did the voters always deposit their own ballots in the box, as far as you could see?—A. Yes, sir.

Q. There was a considerable time when the ballot box was hidden from your view?—A. Yes, sir.

Cross-examination by Mr. JONES.

Q. Which ward of Duryea did this all take place in?—A. The second ward.

Q. How long have you been a resident of Duryea Borough?—A. Twenty-seven years.

Q. How long of that particular ward?—A. Four years.

Q. Have you ever attended elections prior to November, 1910?—A. Acted on the board or attended?

Q. Simply attended there to vote.—A. Yes, sir.

Q. In what capacity had you attended elections before?—A. I was a candidate for office one time.

Q. How long ago?—A. Five years.

Q. Ward office?—A. Borough office, burgess.

Q. That naturally kept you at the polls pretty much all day?—A. That day; yes, sir.

Q. Did you ever serve as an election officer before?—A. I served as clerk once before.

Q. When?—A. I served as clerk twice, I think.

Q. When?—A. About a year previous to this and at one primary, I think, before that.

Q. Then you were reasonably familiar with the proper conduct of an election?—A. I think so; yes.

Q. You say the regularly elected minority inspector was Dills?—A. Yes.

Q. Were you appointed by the court or appointed by the board to serve in his stead?—A. Elected by the citizens that morning.

Q. In the usual and customary way to fill the vacancy?—A. Yes, sir.

Q. There was nothing irregular about it?—A. It was a point that I didn't understand, or didn't know; some citizens claimed that the Democrats present should elect and some claimed that all should take a hand in that election, and I didn't care how it turned out; I was going to insist upon a Democrat serving.

Q. At any rate, no matter who voted for you, you did serve?—A. Yes.

Q. When Mr. Dills, the judge of election, brought the ballot box back in you and Dr. Baker shook it?—A. Back in from where?

- Q. From the time he took it out.—A. He had the box out burning the old ballots when I came on the scene in the morning—
- Q. When you and Dr. Baker shook the box and insisted upon its being opened, did Mr. Dills go out and get a key?—A. The second time he did.
- Q. Did he bring the key in?—A. Yes.
- Q. Was the ballot box opened?—A. Yes, sir.
- Q. Was anything found in it?—A. Yes, sir.
- Q. What?—A. It looked like a bundle of something tied up.
- Q. Didn't you examine it?—A. No, sir. He put it in his pocket.
- Q. Who put it in his pocket?—A. Geary Dills.
- Q. Isn't it a matter of fact that the only thing Dr. Baker found when that box was opened were the bound volumes of election laws, such as are distributed to the election boards by the county commissioners?—A. I don't know what Dr. Baker saw.
- Q. Why, as a citizen, didn't you insist upon seeing this?—A. I couldn't take it off him.
- Q. Did you ask to see it?—A. Yes.
- Q. What did he say to you?—A. He made a gesture that it was none of my business, or something.
- Q. He made a gesture that it was none of your business?—A. Yes.
- Q. The ballot box was then locked?—A. Yes.
- Q. Was there anything in it when it was locked?—A. No, sir.
- Q. Then, Mr. Cleary, you state now that, as an officer of that board, representing the Democratic Party in and for that ward, that when the first ballot was cast on the morning of last election day, in that ward, there was nothing in that box?—A. Nothing in it.
- Q. So far as that was concerned there was no dishonesty?—A. Not up to that point, as I know of.
- Q. You say you had a Republican clerk?—A. Yes, sir.
- Q. Why didn't you appoint a Democratic clerk?—A. I don't know; I was so excited; this man over there in the chair and I being very intimate friends I didn't want, didn't care about knocking him off, and didn't think at the time: I was kind of glad seeing my own victory and I was satisfied the box was empty.
- Q. In other words, as soon as you were satisfied the box was empty you were perfectly willing that this man should act as your clerk?—A. Wasn't my—
- Q. You permitted him to act?—A. I told him if I had my way he wouldn't serve.
- Q. You permitted him to serve as your clerk?—A. Certainly, I permitted him.
- Q. You appointed no one else in his place?—A. I didn't appoint him.
- Q. You permitted him to serve?—A. I permitted him to serve.
- Q. And he did serve as your clerk?—A. Yes, sir.
- Q. You told Mr. McLean that several times during the day you had occasion to leave the polling place?—A. Yes, sir.
- Q. For long periods?—A. For about 5 minutes; one time 10 minutes, another time 15 minutes; I think there were about three times, maybe four times; don't know.
- Q. And you left each time of your own wish and desire?—A. Not my own wish.
- Q. Nobody drove you out of the place?—A. No.
- Q. There was no force or persuasion used to get you out of the place?—A. There was a little force.
- Q. There was no force from anybody interested in that election?—A. No force but physical force.
- Q. (By Mr. McLEAN.) You left to answer a call of nature, didn't you, Mr. Cleary?—A. Yes.
- Q. When you left you asked a man named Cosgrove to see that everything was all right during your absence?—A. Yes, sir.
- Q. A police officer of this borough?—A. No, sir.
- Q. Is he an officer of the borough at all?—A. No, sir.
- Q. He stayed there at your request each time that you went out?
- (Objected to by Mr. McLean. He doesn't know what occurred while he was away.)
- A. One time I went away I couldn't get anybody to stay; I would liked to get hold of a telephone to telephone to a friend.
- Q. Were there no Democratic watchers about that poll?—A. Don't know; I didn't know that he was a Democrat.

Q. You were living in the ward and, having run for burgess, it was natural that you should know some of the Democrats?—A. Not in this ward; in the third ward I was better acquainted.

Q. Do you mean to say that you didn't know a single Democrat in this polling district that day?—A. Those fellows didn't know—

Q. What was Cosgrove—what was his party affiliation?—A. Democrat.

Q. You knew Cosgrove was a Democrat?—A. I learned that day that he wasn't.

Q. That particular day he was a Democrat?—A. That particular day he wasn't a Democrat.

Q. Who told you Cosgrove wasn't a Democrat that day?—A. He told me himself that he was supporting Bowman.

Q. Had you been paid anything for attending the poll that day?—A. No, sir.

Q. No one had asked you to attend the poll?—A. No, sir; when I got to the polls they told me I was going to serve.

Q. Had you been paid anything for attending the poll that day?—A. No, sir; before that he wasn't going to serve and he would like for me to be in his place.

Q. Is he related to the judge of election?—A. Brother.

Q. Then the night before the election the brother of the judge of whom you have spoken told you he would be absent and would like you to serve in his place?—A. Yes.

Q. You say that during the day there were certain fire bosses present at that poll?—A. Yes, sir.

Q. Did you ever see them there before?—A. Never saw as many of them.

Q. How many did you see before?—A. I saw before at previous elections Jones and Metcalf.

Q. Courtright, you have seen before?—A. Very seldom.

Q. Haven't you seen him attending elections before?—A. Never taking an active part.

Q. Have you seen Jones and Metcalf?—A. Yes.

Q. The other man was Robert Bowen; do you ever recall an election in the borough of Duryea where Bowen was not active?—A. Yes, sir.

Q. How long ago?—A. A good many election; he dropped around a couple of times at previous elections.

Q. He is the present elected jury commissioner of Luzerne County?—A. Yes, sir.

Q. He is now serving his second term?—A. Yes, sir.

Q. He has always taken an active interest in the politics of this borough?—A. Yes; he has.

Q. Particularly in county elections?—A. Well, I don't know about that.

Q. You never attended any election before, except as a clerk, did you?

Mr. MCLEAN. We have gone over that pretty thoroughly.

Q. Can you tell me another day—election day—when you have been around the polls a good part of the day, except when you served as clerk?—A. Never.

Q. Then how could you know that Mr. Bowen has never been a regular attendant at elections in this district?—A. I saw him out around the street.

Q. Don't you ever work on election day?—A. Sometimes; as a general thing it is winter time and I am not busy.

Q. What is your business?—A. Plasterer.

Q. Of these four bosses, so called, whom you have named as being present at the polls, you have on other occasions seen at least three of them present and active at the polls?—A. On other occasions?

Q. On other occasions.—A. Well, I don't know about that; I never noticed them before.

Q. Haven't you already sworn, sir, that you have seen Jones there before, active?—A. I seen him when he ran for school director.

Q. Did you ever see Metcalf before?—A. I seen him when he ran for council.

Q. Jones, Metcalf, and Bowen are all politicians, more or less?—A. Yes; politicians.

Q. They have always taken an active interest in politics as far as you know?—A. Yes.

Q. You stated to Mr. McLean that you told somebody that you would not be owned by the mine bosses or breweries?—A. Yes.

Q. What representatives or agents of breweries were present at that poll?—A. I didn't see any one.

Q. What did you mean by saying that you wouldn't be owned by the breweries?—A. I saw the brewery representatives out and the coal representative, and I thought that was enough.

Q. What brewery representative did you see out?—A. I don't know him; they are collectors.

Q. How many of them did you see around that poll?—A. I saw one around; I don't know his name.

Q. You saw more than one?—A. I saw him drop in around there.

Q. There was considerable activity at your poll by certain representatives of breweries that day?—A. I saw that collector stop there once.

Q. If you only saw a collector from a brewery stop once at that poll, why do you say that you wouldn't be owned by the breweries?—A. I wanted to give one party as much credit as the other.

Q. What do you mean by that?—A. I mean that it is just as bad to be owned by the brewery as by the coal company.

Q. You mean that the men voting for Bowman, or some of them, were owned or bossed by the coal company?—A. Sure.

Q. And the men voting for McLean, or some of them, were bossed by the breweries?—A. Cosgrove told me that he was voting for Bowman; I suspected he got his orders from the brewery; he works for the brewery.

Q. Didn't you say a minute ago that you wanted to be as fair with one side as the other; do you mean to say that the breweries were for Bowman?—A. I have learned since they have.

Q. That day you thought it was McLean?—A. I didn't know until that fellow told me.

Q. Didn't you think that day that the breweries were for McLean?—A. The Wilkes-Barre Record accused McLean of being a brewery man.

Q. And your mind was so firmly fixed from what you heard and seen that you said you wouldn't be owned by the coal company or the breweries?—A. Yes, I was afraid—

Q. You believed at that time that the coal companies were friendly to Bowman and the breweries were friendly to McLean?—A. I don't know what I thought at that particular time, during the day I discovered this; Cosgrove told me—

Q. That is why you included the breweries, on account of McLean?—A. The reason I included the breweries was because I didn't feel like insulting just the mine bosses alone; I wanted to make that as just as I could.

Q. There are many large breweries, something—A. I felt a little warmer to the breweries than the coal companies.

Q. You felt a little warmer to the breweries?—A. I might say I did.

Q. Mr. Cleary, how many votes were polled that day at that polling place?—A. I can't remember just now; about 150.

Q. You signed the returns?—A. Yes, sir.

Q. There was nothing dishonest at that election at that district?—A. Not as I could see.

Q. So far as you know now, and so far as you knew that day when you signed the returns, the returns of this district as returned to the court and certified by you, as one of the counting board, was an honest return of the votes as cast that day?—A. Well, I couldn't say that they were any crooked work on it, although it looked suspicious there at several times.

Q. It didn't look suspicious enough for you to refuse to sign the return?—A. We signed the returns in the morning; it was when the judge of election was making up the papers, being a good scholar, we signed all them papers then.

Q. When you left that night and the vote had been counted, bearing your signature?—A. Yes.

Q. There was a hearing in court in this matter?

Q. You sustained it in court?—A. Yes, sir.

Q. You were at the hearing?—A. Yes, sir.

Q. Were you sworn?—A. No.

Q. Being present in court, you did not volunteer any information to the court of any dishonesty?—A. No, sir.

(This line of cross-examination is objected to by Mr. McLean as not being cross-examination and not relevant.)

Q. Did you make any complaint to the court?

(Objected to again by Mr. McLean as not proper.)

Q. Did you make any complaint to the court or anybody else about this election?—A. I didn't make any complaint to the court.

Q. To whom did you complain?—A. I didn't complain, in fact, to anyone.

Q. Who came to see you representing Mr. McLean since this contest has been started?—A. Squire Gilboy.

Q. When did he talk to you about this?—A. The other day.

Q. Did he subpoena you?—A. Yes, he subpoenaed me here.

Q. Did you talk to him about the election?—A. The Squire?

Q. Yes.—A. No, I haven't.

Q. Have you talked to anyone representing Mr. McLean since this contest started?—A. No, sir; only the squire.

Q. The Squire told you that he represented Mr. McLean?—A. No, sir; we discussed it between ourselves.

Q. Did the Squire tell you that Mr. McLean had been to see him?—A. Yes, sir.

Redirect by Mr. MCLEAN:

Q. Mr. Baker made a complaint about the box at this election, Dr. Baker?—A. Yes, sir.

Q. As you were going to the polls that morning you noticed that the ballot box had been opened and the old ballots burned in front of the polling place?—A. I noticed a fire in the road; they had the ballot box down there, Squire Williams and Geary A. Dills.

Q. Did the judge of election explain to you how it came that he was able to open the ballot box to burn the ballots, but had lost the key when you wanted it opened?—A. He said he didn't have the key; I don't know how he got the box open to get the old ballots out.

Q. He didn't venture any explanation of that?—A. No, sir.

Q. What brewing company does this Cosgrove work for?—A. Howell & King.

I hereby certify that I have read over the foregoing transcript of my testimony and that the same is correct, and I subscribe my name thereto, in witness of the correctness thereof.

M. A. CLEARY, Jr.

SQUIRE JAMES B. GILBOY called, produced, sworn, and examined, deposes and says:

Direct examination by Mr. MCLEAN:

Q. Where do you live, Squire?—A. Duryea.

Q. In reference to the polling place of the Second Ward of Duryea, where do you live?—A. Nearly opposite.

Q. Were you at home at your place on election day, November 8, 1910?—A. Yes, sir.

Q. You were in a position, then, to see what went on around the polling place, inside and outside, most of the day?—A. While I was there.

Q. Most of the day; at the time you were not at the polls you were here at your own home, were you not?—A. Yes, sir; a good part of the time.

Q. Mr. Cleary testified that you were at the polls when they made an effort to organize a board, about 7 o'clock on election day, in the morning?—A. Yes, sir.

Q. Whether or not you made an effort to have an avowed Democrat appointed minority inspector's and a Democratic clerk?—A. I was there for that particular purpose.

Q. Who appointed the minority inspector's clerk?—A. I was there at the time.

Q. Who served as the minority inspector's clerk?—A. John Rigney.

Q. What are his politics?—A. His politics? He is a recognized Republican.

Q. Whom did you see around the polling place during the greater part of the day?—A. Several times when I was there, the most active, apparently, were Mr. Bowen, Robert Metcalf, Harry Courtright, and Jones—I think his name is Thomas Jones.

Q. What is Robert Bowen's occupation?—A. His occupation is some kind of an under boss. I don't think he is a fire boss, but I know he has some charge.

Q. For what coal company?—A. The Lehigh Valley.

Q. Whom did Metcalf work for?—A. The Pennsylvania.

Q. Is he a boss for that company?—A. Fire boss for that company.

Q. Thomas Jones; what company is he for?—A. D. L. & W. fire boss at the Halstead.

Q. Courtright?—A. He is fire boss at the Halstead for the D. L. & W.

Q. Whether or not they were active in bringing men to the polls that day?—A. Jones and Courtright were particularly active. It was right after pay day at the Halstead on the same day, and right around that time. They were there

quite a while, and I saw that they were active a good deal of the time. I wasn't inside; I stood outside and had a chance to observe that they were active among the voters.

Q. About that time you say they were paying at the Halstead mine?—A. Along about 1 o'clock, I should judge.

Q. A number of those employees subsequently came to the polls?—A. They were principally Polish and Lithuanians.

Q. Foreign-speaking people?—A. Foreign speaking.

Q. What was the conduct, with reference to these men, of Bowen, Jones, Metcalf, and Courtright?—A. Well, they appeared to be taking a very active interest in the goings on there at the polls.

Q. Do you know in whose behalf they were working that day?—A. Well, I supposed they were working for the Republican ticket.

Q. Who was the Republican candidate for Congress?—A. C. C. Bowman.

Q. There has been considerable comment in this community, has there not, about the way the election was conducted that day in the second ward?—A. More about what took place before the board was organized.

Q. I went there for the purpose of serving on the board myself, as Mr. Dilla, the regularly elected minority inspector, told Mr. Cleary and myself—we were both together—that he would like to have one of us serve as inspector and one as clerk. We both got to the polling place at the regular time, 7 o'clock, about. There was some wrangle about a place to Rigney on the board; in fact, they insisted that he should be on the board.

Q. Who insisted that he should be on the board?—A. Mr. Bowen and Squire Williams. Williams was the strongest; that is, he insisted the strongest on having Rigney on account of him being an inspector at the previous election; and I called his attention to the fact that I had served at the previous election and that Thomas Cosgrove was inspector, and I was his clerk. He said that was only the primary election.

Q. What is your politics, Squire?—A. I am a Democrat.

Q. Whether or not the Judge of election would permit you to serve as Mr. Cleary's clerk?—A. The fact of the matter is that I left there in disgust, because I saw that they insisted so much that Rigney be a member of the board. Williams had selected this man, Eley, for his clerk and insisted on Rigney being inspector. If they should have selected me as Rigney's clerk, I should not have taken it; I would not have served with him because I wouldn't think the board fairly composed.

Q. The law provides that two of the minority party shall serve upon the board, and you saw a disposition on the part of the powers there not to permit them to do so?—A. That was my reason for leaving; I left a little after 8.

Cross-examination by EVAN C. JONES:

Q. What law provides that two of the minority party shall serve upon an election board?—A. I couldn't tell you what law.

Q. Don't you know, as a matter of fact, that the law says that the minority party shall have an inspector?—A. Yes, sir.

Q. And that the inspector shall appoint a clerk?—A. Yes.

Q. The law makes no reference whatever to the political affiliations of the clerk?—A. I don't think it does.

Q. How old are you?—A. Forty-three.

Q. You are no novice in local or county politics?—A. No.

Q. You have played the political game pretty actively?—A. Yes.

Q. You have always taken an active interest in politics?—A. Oh, yes.

Q. You have on many occasions been elected to borough offices?—A. Yes, sir.

Q. And I believe have been a candidate for county offices for the nomination?—A. I never was a candidate for county office.

Q. You have been greatly interested for many years in county candidates?—A. In local and county candidates; oh, yes.

Q. You have frequently served on election boards?—A. Yes, sir.

Q. You have had more experience than Mr. Cleary, who has just testified?—A. Yes; I would consider myself more experienced.

Q. Why didn't you tell Cleary if there was going to be anything dishonest on that board, and you were interested in an honest election, to appoint you as his clerk?—A. I wasn't near at the time.

Q. Didn't you and Cleary go there at the same time?—A. He wasn't appointed at that time.

Q. You left there before Cleary was appointed?—A. I did.

Q. After that you don't know what happened?—A. Don't know what happened.

Q. How long have you known Robert Bowen; many years?—A. Very intimately acquainted.

Q. You have played politics against and with each other?—A. And with each other.

Q. You have testified that those four men are fire bosses?—A. Well, I didn't say that Bowen was a fire boss; I don't think he is.

Q. What is his employment?—A. He is an under fire boss of some kind.

Q. Have you ever worked in the mines?—A. Yes, sir.

Q. You have lived in mining communities all your life?—A. All my life.

Q. And you know pretty well the duties of mining men and mining bosses?—

A. Yes, sir.

Q. And fire bosses have no jurisdiction over the men, have they?—A. I don't know but they have to a certain extent.

Q. What are the duties of a fire boss?—A. His principal duty is to see that the places of the miners in which they are to work that day are inspected relative to gas, the safety of the roof, and such as that, and report to the miners as they go in.

Q. You know from actual experience and from your association with miners generally that the fire bosses go out to work very early in the morning?—A. Very early.

Q. And make their rounds and visit the miners' chambers and get out of the mines, if possible, before the miners go down the shaft?—A. I think they stay in the office.

Q. At the foot of the shaft?—A. Yes.

Q. They have a duplicate report which the miners may see and which it is the duty of the miners to see before they go to their chambers?—A. Yes.

Q. And see whether or not those fire bosses, who are experienced men, have found any gas in their chambers?—A. Yes, sir.

Q. That is the sole duty of the fire bosses?—A. That is their duty as I understand it.

Q. A fire boss does not employ or discharge men?—A. I don't think he does.

Q. You have known Robert Metcalf for some time?—A. Yes, sir.

Q. You have played politics with and against him?—A. With and against him.

Q. You have known Jones for some time?—A. I don't know Jones; he is not here very long.

Q. You have known Courtright?—A. Yes.

Q. Courtright and Bowman are more or less actively interested in politics?—A. Take quite an interest.

Q. You don't mean to say that these men, or any of them, did anything wrong at the polls that day?—A. I didn't see them do anything wrong.

Q. You don't mean to say that they did anything that they have not done frequently before?—A. I didn't see it if they did.

Q. Isn't it customary in this borough, to your knowledge, to have men go out, particularly in the afternoon of elections, and bring others to the polls?

(Objected to by Mr. McLean as not cross-examination.)

Q. Stenographer reads the question to the witness.) Is not that a fact?—A. Yes; it is the custom. I have done it myself.

Q. Where they want to get the vote out, particularly in a mining community, they have to do it?—A. It is a matter of necessity.

Q. What you saw these men do in the afternoon was once in awhile bring a man to the polls?—A. Yes; there was always one or two of them there around the polls.

Q. There were watchers about the polls, were there not?—A. I suppose Mr. Cosgrove was a watcher paid by the Democratic Party. There were several politicians there. I couldn't tell you.—

Q. They brought men to the polls?—A. Yes, I understood two of them were Democratic watchers paid by the Democrats; I didn't know them very well. I discovered they came early in the day.

Q. That was no new experience?—A. Well, it wasn't new.

By Mr. MCLEAN:

Q. Did you observe all these men working in the interest of the Republican Party?—A. The foreigners?

Q. The alleged watchers standing around the polls?—A. Two or three or four of them, I thought they were Democrats; they were turning men over to Metcalf, Courtright, Jones, and Bowen.

By Mr. JONES:

Q. You have lived across the street from these polls a good number of years?—A. Just moved into this house.

Q. You have been present part of the day, at a great many county elections?—A. Oh, yes.

Q. Did you see anything unusual at this election?—A. The ballot-box episode was very unusual.

Q. About bringing men to the polls; did you see anything unusual?—A. Nothing out of the ordinary.

Q. Getting back to the ballot-box episode; what you know about the opening of the box is from hearsay?—A. I was there at the time it was opened.

Q. At the time it was opened; and you saw it closed before the first ballot was deposited?—A. I saw it opened and closed and a package taken out.

Q. At the time the first ballot was deposited, do you know now if there was anything in that box?—A. As I told you, after I saw the ballot box (I didn't mention this before), it was before the board was sworn in, I testified before I left the polls—as a matter of fact I wasn't there when the first ballot was cast.

Q. When you left was there anything in the ballot box?—A. Nothing in the box because the box was opened and a package taken out by the judge of election, Mr. Dills. He carried it back in the room and what he did I don't know.

Q. When he did leave the box was empty?—A. The box was empty and locked.

By Mr. MCLEAN:

Q. Who took the key?—A. Mr. Dills.

JAMES B. GILBOY.

Mr. CLEARY recalled by Mr. MCLEAN:

Q. You testified that a number of these men who stood about the polls frequently stood around the ballot box, did you not?—A. Yes, sir.

Q. So that your view was partly obstructed?—A. I warned them away.

Q. When ballots were deposited there under these conditions, was there anything suspicious about the appearance of the ballot as it was dropped in?—A. Well, I was kind of—I had my own suspicions of that, I thought they looked bulky and I asked Cosgrove to watch and see if they were putting in any more than one.

Q. It had the appearance to you as if there were more than one ballot deposited at a time?—A. I was afraid they were doing that on account of the ballots from those two books being missing in the morning, I suspected they were around and I was afraid they would get in the box.

Q. You would have no means of knowing, owing to your absence from the polls at various times that day, whether all the voters whose names appeared upon the voting list, actually were present and voted at the polls, have you?—A. Well, I think they were; I don't know about that.

Q. You were absent part of the time, were you not?—A. Yes, several times.

Q. During that time various voters' names were added to the list, while you were absent, were they not?—A. Some voted while I was there.

By Mr. JONES:

Q. Do you know now of any man whose name appears on the voting list of the second ward of Duryea last election who did not actually vote in that ward that day?—A. I don't know.

I hereby certify that I have read over the foregoing transcript of my testimony and that the same is correct, and I subscribe thereto my name, in witness of the correctness thereof.

M. A. CLEARY, Jr.

STATE OF PENNSYLVANIA, County of Luzerne, ss:

I, Bayard Hand, a notary public of the State of Pennsylvania, duly commissioned and acting, do hereby certify that pursuant to notice a copy whereof is fully set forth in the foregoing notes of testimony, I sat as commissioner in the above case, and that the witnesses whose testimony is hereto annexed duly signed by them, was taken before me, and that the foregoing transcript thereof is a true and correct transcript of the testimony of the said witnesses.

Notary Public.

TESTIMONY FOR CONTESTEE.

Appearances: John A. Opp, Esq., commissioner for contestee; Harry F. Geddes, stenographer for contestee; Hon. F. W. Wheaton, E. C. Jones, Esq., John H. Dando, Esq., William L. Bowman, Esq., counsel for the contestee; Hon. John T. Lenahan, John E. Jenkins, Esq., A. C. Campbell, Esq., William S. McLean, jr., Esq., Edwin Shorts, Esq., counsel for the contestant; Arthur L. Turner, Esq., commissioner for contestant; Thomas A. McAndrew, stenographer for contestant.

Testimony on behalf of the contestee taken before Commissioner John A. Opp, Esq., at the sheriff sales room, courthouse, city of Wilkes-Barre, Luzerne County, Pa., on Thursday, March 23, 1911, at 10 o'clock a. m.

THURSDAY, MARCH 23, 1911.

Hearing at 10 o'clock a. m. before John A. Opp, Esq., commissioner, at the sheriff's sales room, courthouse, city of Wilkes-Barre, Luzerne County, Pa., pursuant to notice.

Appearances: John A. Opp, Esq., commissioner for contestee; Evan C. Jones, Esq., John H. Dando, Esq., William L. Bowman, Esq., counsel for contestee; Arthur L. Turner, Esq., commissioner for contestant; John T. Lenahan, Esq., John E. Jenkins, Esq., counsel for contestant; George R. McLean, contestant, present in person.

Mr. JONES. The contestee names John A. Opp, Esq., as commissioner, in accordance with the statute, he being a member of the Luzerne County bar and a notary public, a resident of Plymouth, Luzerne County, and in this congressional district; said commissioner being duly commissioned by the governor of the State of Pennsylvania as a notary public, and the contestee now offers in evidence, first, his commission as a notary public, dated the 31st day of March, 1907, said appointment to compute from March 12, 1907, for a period of four years, duly signed and executed by the governor of the State and attested by the secretary of the Commonwealth and bearing the great seal of the Commonwealth. Second, we offer in evidence the commission as notary public of said John A. Opp, dated March 12, 1911, for a period of four years, said appointment to date from March 12, 1911, duly signed by John K. Tener, governor of the State of Pennsylvania, and certified by Robert McAfee, secretary of the Commonwealth, and bearing the great seal of the Commonwealth attached thereto, authorizing John A. Opp to act as notary public in and for the county of Luzerne for said period of four years.

The first commission being recorded in the office of the recorder of deeds of Luzerne County, being the proper office for the recording of the same, on March 15, 1907.

The second commission being recorded in the office of the recorder of deeds of Luzerne County, being the proper office for the recording of the same, on March 7, 1911.

Counsel for contestee, through Mr. Opp, commissioner, at this time names Harry F. Geddes as stenographer to take the testimony of witnesses produced, sworn, and examined on behalf of the contestee.

Mr. JENKINS. Counsel for contestant names Arthur L. Turner as commissioner for contestant, in accordance with the statute, he being a member of the Luzerne County bar and a notary public, a resident of the city of Wilkes-Barre, Luzerne County, and in this congressional district, said commissioner being duly commissioned as a notary public by the governor of the State of Pennsylvania, and offers in evidence at this time his said commission, being recorded in the recorder's office of Luzerne County, in Commission Book No. 14, page 12.

Counsel for contestant, through Mr. Turner, commissioner, at this time names Thomas A. McAndrew as stenographer to take the testimony of witnesses produced, sworn, and examined on behalf of the contestant, all pursuant of the act of Congress.

Mr. JONES. Counsel for contestee offers in evidence the answer of contestee, dated at Wilkes-Barre, Pa., February 9, 1911, as follows:

WILKES-BARRE, PA., February 9, 1911.

TO GEORGE R. MCLEAN, Esq.

Wilkes-Barre, Pa.

DEAR SIR: I hereby specifically object to your notice of contest in which you inform me of your intention to oppose my right to my seat in the House of Representatives of the Sixty-second Congress of the United States, to which I was elected by the electors of the eleventh congressional district of Pennsylvania at the general election held in that district on November 8, 1910, for the following reasons:

First. Said notice was not served upon me within 30 days after the result of said election had been determined, and announced to you by the judges of the Court of Common Pleas of the eleventh judicial district of Pennsylvania, who were the officers and board of canvassers authorized by law to determine the same.

Second. There is no valid reason in law, equity, or otherwise why you should not have filed said notice within the time specified by the act of Congress in such cases made and provided.

Third. By your delay in this behalf you have caused to be lost and rendered unavailable to me very much of the original evidence upon which I rely to disprove your allegations and to prove my affirmative allegations as to the illegal methods used by you and your agents and representatives in securing votes and procuring false returns for you at said election, all of which would have been procurable by me if you had complied with the statute and would have sustained my cause.

Fourth. The county of Luzerne is coextensive with the eleventh judicial district of the Commonwealth of Pennsylvania, and is also coextensive with the eleventh congressional district of said State. Under the provisions of the act of the General Assembly of Pennsylvania, approved April 28, 1899, P. L., 130, the judges of the Court of Common Pleas of said judicial district were the lawfully authorized officers or board of canvassers to ascertain, compute, return, and certify the result of said election of November 8, 1910; and for that purpose said court met and acted, in compliance with the statute, on the 10th day of November, 1910, and determined on the 12th day of November, 1910, that I had been duly elected to the Sixty-second Congress of the United States, and so announced and certified, in all things complying with the law.

You were represented before them by counsel, who took part in the proceedings, and the determination of my election was known to you and to your counsel on the said 12th day of November, 1910.

Fifth. After that, for more than 30 days, you were up and about your house, able to consult with your legal and other advisers, and did so consult with them many times, about the said election. On the 1st day of December, 1910, you went to Florida, and after a stay of 23 days you returned to Wilkes-Barre apparently in perfect health and have been able ever since your return to be about and attend to your business matters and take long trips on railroad cars, especially to Washington, D. C., and I aver that there is no ground for your insinuation that you were prevented by illness from filing your notice of contest within the 30 days following the said 12th day of November, 1910, as you were required to do not only by the statute but in all fairness and equity.

I object further to the notice of contest which you have given to me that, notwithstanding the fact that the act of Congress, which is a legal rule of conduct for the guidance not only of the Election Committee of the House of Representatives of the United States, but for the House itself, provides that such notice shall specify particularly the grounds upon which a contestant like you relies. Your grounds of contest are indefinite, vague, and uncertain.

In the first paragraph of the notice you allege that the expenditure by me and by my agents of large sums of money corrupted a large body of electors in said congressional district without in anywise charging that even if that allegation were true it had any effect whatever upon the vote cast either for you or for me or influenced or effected the change of a single vote from you to me.

You state in the third paragraph of the notice that by reason of intimidation on account of the presence of members of the State constabulary in and around the election booths of certain districts large numbers of qualified voters in said districts refused to register their votes without in any wise setting forth any act

or conduct on the part of said constables which resulted or even tended to result in the intimidation alleged and without in any wise setting forth that if such votes had been registered it would have changed the result of the congressional election as between you and me in said districts or elsewhere.

You allege in the fourth paragraph of your notice that by intimidation of voters in certain districts therein named I procured the votes of many unwilling and ignorant voters without in any manner asserting or alleging how many of such voters there were or what the names of any of them were, or that in any event any of such voters would otherwise have cast their votes for you, or that even if, as you allege, they were intimidated it in any manner affected or changed the result of the congressional election between you and me in said districts of elsewhere.

You allege in the fifth paragraph of the notice in the most vague and general way the casting and return of a large number of illegal votes in each of the districts mentioned in the fourth paragraph of the notice without specifying the number of said votes or even approximating the number without specifying the names of any of said alleged illegal voters, and without claiming or setting forth in said paragraph that even if it were true, as therein alleged, that it in any wise changed the result as between you and me with regard to the congressional election in said districts or elsewhere.

You allege in the ninth paragraph of the notice, in the most general terms, a large and illegal use of money, by which a large number of electors in many of the election districts were corrupted, specifying particularly certain districts, but you fail to allege either that these men were corrupted by me or in my behalf or that as a result of said corruption they cast their votes for me and you do not attempt to name the number of men whom you claim to have been so corrupted or the names of any single one of said alleged corrupted electors, nor do you allege anything in the said ninth paragraph which would in any wise tend, by inference or otherwise, to show that your claim is that, even though the allegation therein set forth were true, it in any wise affected the result of the congressional election between you and me as returned by the court.

You allege in the twelfth paragraph of the notice promises to individual voters in the congressional district of unnamed sums of money and nameless amounts of moneys without alleging or setting forth so that it may even be inferred therefrom that any of said promises had any effect whatever upon the persons to whom you allege the promises were made, or that said promises were accepted by them, or that they did anything contrary to law or good morals on account of said promises, or that the promises were ever performed, or that any of said moneys were ever paid over to any of the people therein referred to in accordance with said promises. And there is nothing in the entire paragraph which in any wise, either expressly or by inference, can be held either to state or infer that even if the allegations therein were true it had any effect upon the election as returned by the court.

I object further to the notice which you have given me, setting forth your alleged reasons for a contest, upon the ground that nowhere in any portion of it do you ask for any relief whatever, but, on the contrary, the entire statement consists of allegations of what you are pleased to term facts and the conclusions which you yourself draw from these facts without notifying me in any part, either expressly or by inference, what relief you seek under any of the allegations therein made and set forth.

Without in any wise waiving any of the objections heretofore made, which may be summarized as, first, the unnecessary and unlawful delay on your part in filing your notice of contest on account of which you have deliberately put me in a position as to the production of evidence which, under the law and the rules of the House of Representatives of the United States, I ought not to have been placed in; and, second, vagueness, uncertainty, and indefiniteness in the allegations set forth in the said notice; and, third, failure on your part to specify in any particular what relief you expect or are seeking; and realizing that this matter, in so far as these objections are concerned, can not be adjudicated by the present Congress of the United States, but must, if delayed for adjudication, await the action of a Congress to be convened hereafter, and insisting, as I do, upon my right to stand upon these objections and that I intend in nowise in this answer to waive any of such rights, I specifically make answer to the allegations contained in your notice of contest in manner as follows, to wit:

First. I deny the allegations of the first paragraph of your said notice, and I affirm that the expenditures by me and by my agents were less in amount than

the expenditures which in late years have been incurred by other candidates for the office of Congress in the eleventh congressional district of the Commonwealth of Pennsylvania, and I deny specifically that any money was paid by me or by my agents or with my assent and knowledge or with their assent and knowledge for any purpose whatsoever outside of that contemplated and authorized by law. And I deny expressly that any moneys paid out by me or in my behalf were used for the purpose of corrupting a single elector in said congressional district at said election.

Under the statute law of the Commonwealth of Pennsylvania, act of March 5, 1906, Pennsylvania Laws, 78, section 4, the lawful expenses of a candidate are expressly set forth, and I aver that no moneys were paid out by me or for me or with my knowledge and consent as a candidate for Congress as aforesaid except such as are distinctly and expressly provided for in the said act of assembly. I aver also that under the provisions of the said act of assembly I was required to file and did file, on the 3d day of December, 1910, in the office of the clerk of the courts of quarter sessions in and for the county of Luzerne, a just, full, and true account of all the expenses incurred by me as a candidate and exhibited therein proper vouchers verifying said account and I allege that by the provisions of said act said account was open to public inspection and that it was inspected by you, and I aver also that under the provisions of said act of assembly it was your duty and the duty of any five electors of the eleventh congressional district of the Commonwealth of Pennsylvania, within 20 days after the filing of said account, if any objection they had to said account or any item therein or any concealment of any item of expense not stated in said account, to petition the court of quarter sessions for an audit, and thereupon to determine whether such account was a just, full, true, and lawful account of moneys lawfully expended as provided by said statute. And I aver that neither you nor anybody else, although the account was well known and subject to public inspection, filed any complaint against said account or asked for any audit thereof from the time of filing down to the present time, but the said account stands upon the records of the said court of quarter sessions, in pursuance of said statute, unimpeached and unattacked.

And I aver that upon the hearing of this case I will produce said account and the vouchers connected therewith, and substantiate the same fully, and that every item therein is true, full and correct, and that all the expenditures were for lawful purposes as defined by the said act of assembly.

I deny the allegations of the second paragraph of said notice of contest, and aver that no money was expended by me or in my behalf or with my knowledge and consent, or with the knowledge and consent of my duly accredited agents in addition to that which is accounted for in the account filed by me as aforesaid.

I deny the allegations of the third paragraph of the said notice of contest, and allege that neither I nor any of my agents nor anybody acting in my behalf, nor anybody acting with my knowledge, authority or assent, had anything to do with the presence of the members of the State constabulary in the districts set forth in said third paragraph or elsewhere, or had any control over them, or attempted any such thing. And I allege that even if they were there, they were simply constables of the Commonwealth of Pennsylvania, who had a right to be there, and that as a result of their presence no man was intimidated, or afraid to vote, and no man refrained from voting on account of their presence, and nothing was done by said constables that was unlawful or improper.

I deny the allegation contained in the fourth paragraph of said notice of contest, and I deny that either through myself or any of my agents or anybody acting in my behalf with my knowledge or consent, any voter at said election was intimidated, or any unwilling and ignorant voter was compelled by any means whatsoever to cast his ballot for me.

I deny the allegations contained in the fifth paragraph of said notice of contest.

I deny the allegations contained in the sixth paragraph of said notice of contest, and I allege that at the primary election for said congressional district held on the 4th day of June, 1910, one Robert P. Robinson was duly nominated and returned as nominated for the office of Representative to Congress for the Sixty-second Congress of the United States from the eleventh congressional district of the Commonwealth of Pennsylvania by the Prohibition Party in said district. Afterwards, said Robert P. Robinson declined to accept said nomination, and his written resignation in due form and duly executed

by him was forwarded to the Secretary of the Commonwealth of Pennsylvania, in accordance with the law in such cases made and provided, and thereupon there was a vacancy upon the Prohibition ticket for the office of Congressman in said district. Afterwards, strictly in accordance with law and the rules of said Prohibition Party, and after due meeting and consideration on their part, I was substituted as the candidate of said Prohibition Party in the place of said Robert P. Robinson for the election to be held on the 8th day of November, 1910, and said substituted nomination was duly filed with the secretary of the Commonwealth of Pennsylvania, as by law required. And I allege that all things proper and legal and required to be done in order to make my substitution as a candidate upon the Prohibition ticket in said congressional district a proper and legal substitution was done and performed, and I deny that there was any irregularity or any illegality in said substituted nomination. And I aver that I was entitled to all the votes which as the regular nominee of the Prohibition Party in said congressional district I received at said election of November 8, 1910.

I deny the allegations contained in the seventh paragraph of said notice of contest and I aver that in the said districts therein particularized, and in all the said districts in the county of Luzerne, which is coextensive with the said eleventh congressional district for the Commonwealth of Pennsylvania, no returns of votes cast for me upon the Prohibition ticket were altered or changed, or in anywise modified or added to, but that the same were honestly made and the ballots cast for me were honestly and lawfully counted and returned.

I deny that the action of the court in throwing out the return of the vote of the fourth district of the township of Pittston was unwarranted, but to the contrary I aver that said action was taken by the court after due and full hearing at which you were represented by counsel; and I aver also that this action of the court was not taken upon my initiative or done at my request, but was a judicial act taken after due deliberation and the taking of testimony, and the hearing of your counsel; and I aver further, upon information and belief, that the counsel who represented you in that matter, I not being represented in the matter either in person or by counsel, expressly and in open court withdrew all objections which they had to the action of said court.

I deny the allegations contained in the ninth paragraph of said notice of contest, and I aver that neither in the districts particularly specified in said ninth paragraph, nor in any other districts within said eleventh congressional district of the Commonwealth of Pennsylvania, did I make any illegal use of money either to corrupt voters or for any other purpose, and I aver that no illegal use of money was made in my behalf or by any agent for me, or with my knowledge or with my consent.

I deny the allegations contained in the tenth paragraph of said notice of contest, and I deny that returns were falsified in the districts, in said tenth paragraph set forth, and I deny that any illegal votes whatever were cast for me in said districts, or falsely or fraudulently counted or falsely or fraudulently returned or cast for me in any of said districts.

I deny the allegations contained in the eleventh paragraph of said notice of contest, and I deny that the returns in the districts, in said eleventh paragraph set forth, were in any ways falsified, and I deny also that you were deprived of any legal votes in said districts or that any votes whatever were falsely and fraudulently counted and returned for me in the said districts.

I deny the allegations in the twelfth paragraph of said notice of contest, and I deny that I have done any illegal, fraudulent or wrongful act, either before or during or subsequent to the said election of November 8, 1910, as alleged in any of the paragraphs of said notice of contest, including the thirteenth paragraph.

In addition to this, I aver upon information and belief, and expect to be able to prove, that prior to the time of said election of November 8, 1910, you had entered into an illegal and fraudulent conspiracy with the Stegmaier Brewing Co., of Wilkes-Barre, Pa., the Bartels Brewing Co., of Kingston, Pa., the Susquehanna Brewing Co., of Nanticoke, Pa., and the Retail Liquor Dealers Association of Luzerne County, and that you had gathered to your support as a candidate for Congress these interests, and that with your knowledge and assent and permission all of said interests in various election districts of said county of Luzerne, and especially in all of the wards of the borough of Nanticoke, all of the wards of the borough of Plymouth, all of the election districts of the township of Newport, all of the wards of the borough of Edwardsville, all of the wards of the city of Wilkes-Barre, all of the districts in the township of Hanover, all of the districts of the township of Wilkes-Barre, all of the wards of the borough

of Shickshinney, and in other wards and districts in said congressional district, illegally spent money in your behalf for the corruption of voters and the purchase of votes, and that these illegal monies were received by electors who otherwise would have voted for me, and being thus bribed and corrupted they cast their votes in the said district in the aggregate to the amount of 800 votes for you; and I further aver that in pursuance of this conspiracy and this illegal combination the State representative of the Liquor Dealers' Association came to Wilkes-Barre from time to time and met the representatives of these various interests and conferred with them and aided and abetted in the expenditure of unlawful moneys and bribes as aforesaid, and I say that this was with your entire knowledge and assent. And I aver, further, that although these moneys were knowingly to you spent in this unlawful manner, no account was ever made of them by you, and they were not returned and filed by you as by law you were compelled to return and file them, nor by anybody in your behalf.

I aver also that in the following districts to wit: In the second district of Hazle Township, the fourteenth ward of the city of Hazleton, the north district of Hanover Township, the fourth district of Hanover Township, the sixth district of Wilkes-Barre Township, the second Middle district of Wilkes-Barre Township, and the fourth district of Pittston Township, you and your agents procured false and fraudulent returns of votes not cast for you, but deliberately procured to be put by the various boards of said districts upon the returns as if the same had been cast for you.

I aver, also, that in the following districts within the said congressional district, to wit: All the wards of the borough of Nanticoke, all the wards of the borough of Plymouth, all the districts of the township of Newport, all the districts in the township of Hanover, all the districts of the township of Wilkes-Barre, all the districts in the township of Pittston, all the wards of the borough of Shickshinney, and in various other wards and districts throughout the said congressional district, a large number of unqualified voters, amounting in the aggregate to 1,000 voters, were allowed unlawfully to vote, and said votes were counted and returned for you.

I aver also that both you and your agents during the progress of your campaign for election, and down to and including the day when the ballots were cast, by false and illegal promises induced men who otherwise would have voted for me to cast their ballots for you, and they did so cast them for you by reason of said illegal promises, and by illegal threats and promises induced others who would have voted for me to stay away from the polls. And I aver that there is no violation of law which can possibly be deduced, by inference or otherwise, from the notice of contest which you have served upon me, and which you allege was done by me or by my agents, which was not actually done by you and your agents.

Yours, very truly,

C. C. BOWMAN.

With the following acceptance of service thereon:

"Now, 10th day of February, 1911, I accept service of the foregoing answer to my notice of contest.

"GEORGE R. MCLEAN."

Counsel for contestee offers in evidence notice of hearing and list of witnesses, as follows:

Notice of hearing, list of witnesses, etc.

TO GEORGE R. MCLEAN, contestant above named (or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, Esq., and JOHN E. JENKINS, Esq., his attorneys):

You are hereby notified that on Thursday, the 23d day of March, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's sales room), in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him, as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose

names and places of residence are as follows: E. J. Moore, Wilkes-Barre, Pa.; John J. Moore, Plymouth, Pa.; Roger Dever, George R. McLean, James J. Judge, Wilkes-Barre, Pa.; George Buss, Pittston, Pa.; W. J. Butler, Wilkes-Barre, Pa.; R. B. Sheridan, Nanticoke, Pa.; Joseph Lee, Plymouth, Pa.

C. C. BOWMAN, Contestee.

Service accepted March 21, 1911.

GEORGE R. MCLEAN, Contestant.

Mr. E. J. MOORE, called on behalf of the contestee, and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You are a practicing member of this bar?—A. Yes, sir.

Q. Where do you live?—A. In Wilkes-Barre, at No. 74 Park Avenue.

Q. What position did you hold with reference to the Democratic candidate at the election held in November, November 8, 1910?—A. County chairman.

Q. Had you ever been county chairman prior to that?—A. Yes.

Q. In what year?—A. 1904, I think it was.

Q. You have been subpoenaed to bring with you your checks and check stubs and check books, showing the expenditure of moneys by you for political candidates from June 4, 1910, to February 1, 1911, have you not?—A. Yes.

Q. Have you produced your check book?—A. Yes, sir.

(Witness produces check book.)

Q. When were you named county chairman for the Democratic candidates?—A. October 10, 1910, I think it was.

Q. By whom were you named?—A. By George R. McLean.

Q. You filed no account as of moneys received or expended in the office of the clerk of the courts as required by the statute of Pennsylvania, did you?—A. No, sir.

Q. Did you receive any money as county chairman for use for political purposes?—A. I received a sum of money, but not as treasurer of the party.

Q. Did you receive any money?—A. Mr. William McLean, Jr., was appointed treasurer at the time of the organization of the party for that campaign.

Q. Who appointed William S. McLean, Jr., as Treasurer—A. I think it was his brother, George McLean.

Q. That is the same man who appointed you chairman?—A. Yes, sir; and he appointed the secretaries and vice chairman and so on.

Q. Have you an account now prepared as to the moneys received and expended by you?—A. Yes, sir.

Q. Will you let me see it, please?—A. Yes, sir. [Witness produces paper and hands to counsel.] This is the account I sent to Mr. George McLean after the election.

Q. You have now handed me a paper, a typewritten letter, on your own letterhead, is that right?—A. Yes, sir.

Q. This purports to be a copy of—

MR. LENAHAN. Will you please state, Mr. Jones, what the purpose of this is?

MR. JONES. We will state no purpose, in line with the rule adopted and followed by the contestant in the presentation of his case in chief.

MR. LENAHAN. We object to this testimony and instruct the witness not to answer, for the reason that the question does not purport to be based upon any allegation averred in the answer, and until it appears that there is some allegation in the answer relating to this, the witness is not obliged to answer. If it is proposed to offer any evidence bearing out any averments of the answer through this witness, the witness is at perfect liberty to answer, but there is no allegation here that Mr. McLean spent a dollar illegally, in the answer as I read it.

Q. Now, will you answer the question, Mr. Moore?—A. I refuse to answer.

Q. Why do you refuse to answer?—A. Under the advice of counsel.

Q. Who is your counsel?—A. Mr. Lenahan.

Q. Is he your personal counsel?—A. No.

Q. Whose counsel is he?—A. I presume he is Mr. McLean's counsel.

Q. Then, under the advice of the counsel for Mr. George R. McLean, the contestant in this case, you refuse to answer?—A. Yes, sir.

MR. LENAHAN. If the gentlemen propose to establish any averment set out in their answer I instruct the witness to answer the question, and the witness will answer it, but the line of examination now does not propose to cover any

averment in the answer. What moneys the witness expended is immaterial and irrelevant for the reason that it is not set forth in the pleadings. If it is proposed to show by the witness that the moneys that he expended were moneys that he received and expended on behalf of the liquor interests, as averred in the answer, then there is no objection to the witness answering it, but, again, I want to put it upon the record that there is no allegation, as far as I can see, in the answer that Mr. McLean spent a dollar illegally, the allegation being that certain interests spent it for him. While my personal views, as well as my professional opinion, are that this testimony is not competent; for the present I withdraw any objection to the witness, Mr. Moore—at the suggestion of some of my colleagues. I withdraw any objection to the testimony as now proposed to be offered by this witness, but at the same time I insist upon the merit of the position that I have taken here in objecting to this testimony, for the reason that it does not conform to the pleadings as they are filed in this case.

Q. Now, Mr. Moore, you have handed to me an account which you say you have prepared but not filed.—A. I prepared that letter, or that account, and sent it—

(Objected to as the witness has not said that.)

Q. (Continuing.) No; it is not for the purpose of filing, this paper is a statement sent to Mr. McLean.

Q. You sent to Mr. W. S. McLean, jr., a statement of which this paper now in my hand is a copy?—A. Yes.

Q. And you sent it—this paper was dated, Wilkes-Barre, Pa., November 26, 1910?—A. If that is the date. [Witness examines paper.] Yes, sir.

Q. And when was it mailed, with reference to the date?—A. I suppose it was mailed that very day.

Q. And Mr. McLean lives in the same city with you?—A. Yes.

Q. The address is "W. S. McLean, Esq." Did you mail it to W. S. McLean, sr., the father of the contestant, or to W. S. McLean, jr., his brother?—A. How is that addressed? Probably I addressed it that way. I have no recollection of whether it was addressed to W. S. McLean, jr., but I presume it was addressed in that way.

Q. To whom did you intend it to go?—A. Well, McLean was sick at that time, and I am not so sure whether I didn't intend it should go to the father or his brother, William McLean, but I think now that I intended that it should go to the brother, William McLean, jr.

Q. Who was the treasurer of the McLean campaign—when was W. S. McLean, jr., named as treasurer for the campaign, with reference to the time of your appointment as county chairman?—A. At the same time, I think.

Q. You received money as county chairman from Mr. McLean, jr.?—A. No.

Q. Did you receive any money from this contestant, George McLean?—A. I received a sum of money from William McLean and I don't know—no, I didn't receive any from George.

Q. Did you receive any money from any one in his behalf?—A. Yes.

Q. From whom?—A. William McLean.

Q. Junior or Senior?—A. Junior.

Q. How much did you receive from him?—A. \$1,250.

Q. Did you receive any money from any other person for campaign purposes?—A. Yes.

(Objected to for campaign purposes. We object to it unless it was received for the purposes of Mr. McLean's campaign.)

Q. From whom did you receive the other money?—A. From Mr. John Moore.

Q. Mr. John J. Moore?—A. Yes.

Q. He was the treasurer for the campaign for Mr. Asa K. DeWitt, the candidate for State senator?—A. I understand so.

Q. And the senatorial district in which Mr. DeWitt was a candidate for State senator was comprised of a portion of this congressional district, wasn't it?—A. Yes.

Q. There are seven legislative districts in the congressional district?—A. Yes.

Q. The congressional district being coextensive with the county of Luzerne?—A. Yes.

Q. And how many of these legislative districts are comprised in the senatorial district in which Mr. DeWitt was a candidate for State senator?—A. The first, second, fourth, and fifth.

Q. Four districts?—A. Four districts.

Q. How much money did you receive from John Moore as treasurer for Mr. Dewitt?—A. \$1,250.

Q. How were these amounts paid to you, by check?—A. By check, as shown by that statement.

Q. And you received these moneys, as shown by the paper you have handed to me, on November 2, 1910, didn't you?—A. (Witness refers to paper.) Yes, sir; I think that is correct.

Q. And the first payment which you made out of this money was to John H. Bigelow, \$800; is that right?—A. Yes.

Q. For what purpose was that payment made?—A. I was instructed by Mr. Moore and Mr. McLean to send a check to him.

Mr. LENAHAN. When you say Moore and McLean, mention their first name.

A. (Continuing.) John J. Moore and William McLean, jr., directed me to send a check to Mr. Bigelow—John H. Bigelow—for \$800.

Q. For what purpose was that \$800 sent to John H. Bigelow?—A. I don't know of my own personal knowledge; it is only a presumption that it was for political purposes, but I don't know that.

Q. Did you send it to him in one or two checks?—A. In one check.

Q. You were paying out the money as chairman of the political party, were you not?—A. No.

Q. Why were you paying this money out? In what capacity?—A. As I stated, Mr. McLean, jr.—William S. McLean, jr.—was the treasurer of the Democratic Party. My appointment, as I recollect it now, was made on the 10th of October. Along in the beginning of November Mr. William S. McLean, jr., and Mr. John J. Moore came to my office and told me that they were going to put some money in my hands, to be paid out at their direction in the twentieth senatorial district.

Q. Why did you pay this money to John H. Bigelow?—A. Because I was directed to do so by these men.

Q. You had acted as county chairman before?—A. Yes.

Q. And as a lawyer you knew that it would be necessary for you to file an account of all moneys received or expended by you in behalf of any candidate?—A. No; I was not treasurer.

Q. You were not treasurer?—A. In this capacity, now, so you will understand this. Mr. Dewitt wanted to put a sum of money in, and Mr. McLean wanted to put a sum of money in, and they wanted to know that each one was putting up his share, and they agreed on me as a stakeholder, as it were, and I got the money.

Q. In other words, for certain purposes in these four legislative districts, which comprised the senatorial district, the McLean and Dewitt money was pooled in your hands, was it?—A. The \$2,500 was put in my hands.

Q. At least that much was pooled in your hands, to be paid out at the direction of the representatives of Mr. Dewitt and Mr. McLean?—A. Yes.

Q. And it was to be paid out by you?—A. Yes.

Q. When you sent John H. Bigelow that check, what did you tell him it was for?—A. I think Mr. Moore took that check to Mr. Bigelow; I wouldn't be sure, but that is my recollection.

Q. But it was your check?—A. It was my check. I think it was the day the money was paid to me. Most of this was paid out right there.

Q. What did you understand that the money was to be used for?—A. I understood that it was to be used for poll men, but we didn't talk about it and I didn't have any understanding at all.

Mr. LENAHAN. If you had no talk you don't know what the understanding was?—A. No, sir.

Mr. JONES. This witness is a lawyer, and a good lawyer, and we respectfully submit that he needs no coaching at the hands of the counsel for the contestant.

Q. Now, Mr. Moore, did you get a receipt from John H. Bigelow for this money?—A. No.

Q. Did you get a receipt from John J. Moore for the check, when you handed it to him?—A. No, sir.

Q. Why not?—A. Well, the returned check would be sufficient receipt in my opinion.

Q. I direct your attention to the act of assembly of 1906, known as the Roberts corrupt practice act, which requires the filing of these accounts. Doesn't that require that any person who expends money or pays money on behalf of a candidate or candidates, shall file an account, regardless of what position he holds?—A. Well, I don't know whether the act says regardless of what position he holds or not, but I do know that the act requires the filing of accounts by

certain people, and I do know that when I took this money it was with no understanding that I was taking it as treasurer, but it was exactly as I stated it to you.

Q. You were to pay it out?—A. Yes; under their direction. They never lost control of that money or over that money.

Q. You took this money in a political campaign from representatives of candidates, to be used for political purposes, did you not?—A. That is true in the concrete, but it is not true for the reason that I took that money under certain directions and stipulations. They did not lose control over it. I didn't have the money to use as a party would for political purposes.

Q. Why didn't they want to lose control over that \$2,500?—A. Because I was to expend it as they directed. In other words, the money was not paid to me to be used by me.

Q. You had experience before as county chairman in the employing of poll men, hadn't you?—A. Yes.

Q. Had you ever before received money under such an agreement as this?—A. No; because I was treasurer and chairman in other campaigns.

Q. Did Mr. McLean tell you when he gave you that check for \$1,250 what portion of the county it was to go into?—A. Yes; they both told me the purpose of my taking the money.

Q. What portion of the county was McLean's \$1,250 to be used in?—A. In the twentieth senatorial district, as they directed.

Q. And in no other part of the county?—A. Why, sure. Not to be used in any other part of the county.

Q. The next check which you paid out was on November 3, to Richard B. Sheridan, for \$820.—A. If that is the date that paper is correct.

Q. To whom did you give that check?—A. To whom is it there?

Q. Richard B. Sheridan.—A. Richard B. Sheridan.

Q. You gave it to him personally?—A. No.

Q. To whom did you give it?—A. I don't remember whether I gave it to John Moore, or whether Sheridan was present with him.

Q. This was a large sum of money?—A. Yes.

Q. Even although you were paying it out as custodian of this fund, don't you recollect the circumstances under which this \$820, a fourth of this fund, was paid out?—A. Yes, very distinctly.

Q. To whom was it paid?—A. Richard Sheridan.

Q. Under what circumstances?—A. By the direction of the treasurer and Mr. Moore.

Q. Where?—A. In my office.

Q. Who was there when it was paid?—A. Mr. Moore, Mr. McLean, and Mr. Sheridan, as I recollect now.

Q. Then, at the time that this money was paid, Mr. Sheridan, who received the money, was there; and there was present as well a representative of Mr. McLean and of Mr. DeWitt?—A. Yes, that is dated what, the second?

Q. The third.—A. I think that is the date.

Q. Did they tell you, or indicate to you in any way for what purpose that money was to be used?—A. No, sir.

Q. They didn't even hint to you?—A. No.

Q. The next payment was November 3, to George Riley; \$10 was it not?—A. Yes.

Q. How was that payment made to him?—A. By check.

Q. How was it delivered to him?—A. It was delivered to him in person.

Q. Where?—A. In the office of Mr. McLean, I think. As I recall that incident they were purging the list in Haile Brook, and the constable wanted his expenses covered and he came to see me, and I think I was at Mr. McLean's office, and Mr. Moore was there at the time.

Q. What was the purpose of this \$10?—A. That was paid to Riley as constable.

Q. Where from?—A. The city of Wilkes-Barre. That was for the serving of subpoenas.

Q. He is the notorious "Yellow-Boy" Riley.—A. I don't know anything about that.

Q. Let me refresh your recollection. Did you ever hear him called that?—A. I don't know him very well.

Q. Don't you know that the man you paid this money to was convicted of conspiracy and served a term in the Luzerne County jail?—A. No.

Q. You never heard of that?—A. If I did I don't recollect it.

Q. Why did you put to his name "Hazle Brook"? He don't live there?—
A. No; that was to describe the purpose.

Q. What was he serving relative to that purging?—A. Serving subpoenas for witnesses to appear in court.

Q. You mean by purging the list that there was a hearing in court to purge the list?—A. Yes.

Q. The next payment as shown by your account is what and to whom?—
A. November 3; John Moore, chairman; \$500.

Q. Is this the same John Moore who gave you the money or a part of it?—
A. Yes.

Q. Of what was he chairman?—A. I understood he was chairman for Mr. DeWitt.

Q. Was he chairman or treasurer for DeWitt?—A. I think he was both chairman and treasurer.

Q. Why did you pay this money to Mr. Moore?—A. Because I held it subject to their disposal, and they directed it should be paid out.

Q. Isn't this the fact, that both DeWitt and McLean wanted to be sure that their money would be used together, and for that reason it was put up in your hands as stakeholder, to be paid out at their direction?—A. Well, it kind of looked that way.

Q. Now, the next item as shown by your statement is what?—A. J. K. P. Fenner.

Q. J. K. P. Fenner first, and, second, Ashley, \$20. By whom was that paid?—
A. Paid by me.

Q. Personally?—A. By check.

Q. To whom was it paid?—A. To J. K. P. Fenner.

Q. Who was there when it was paid?—A. I think William McLean; that was paid out at Democratic headquarters.

Q. And for what purpose was it paid?—A. That was paid for pollmen.

Q. In the first and second wards of Ashley?—A. Yes.

Q. Now, the next item is November 5. Did you get a receipt for that?—
A. No; just my check.

Q. You took receipts for none of this money, did you?—A. No.

Q. The next item.—A. By the way, that money that was paid to Fenner, it was paid under these circumstances. Mr. Moore and McLean called my attention to the fact that these districts or polling places in Ashley hadn't been attended to and that I should give the money to him.

Q. The next item is November 5, John Moore, chairman, \$125?—A. Yes.

Q. Who paid that out?—A. I did.

Q. Is this the same Moore, DeWitt's chairman?—A. The same.

Q. Do you know what that money was to be used for?—A. No.

Q. Do you know why you paid it out?—A. I know why I did it; it was at the direction of Mr. McLean and Mr. Moore.

Q. Did McLean or his representatives know that Mr. Moore was getting \$125 additional out of this fund?—A. He knew he got that \$125.

Q. The next item is October 5, George Riley, constable, \$15.—A. Yes; that is for the same purpose, because the purging of the lists had been continued until Monday of the following week and this constable came and told me that he was obliged to go a second time and he would have to get \$15 as his expenses.

Q. That was for the service of subpoenas as constable?—A. As constable.

Q. Who accounted for this money that you expended?—A. I don't know anything about that.

Q. The next item is October 5, D. H. Brislin, Warrior Run, \$10.—A. Yes.

Q. Who paid that out?—A. I did.

Q. Under what circumstances, and for what purpose?—A. Mr. William McLean, Jr., who was to look after these portions of that district met with an accident, I think, as I recollect it now, and he was unable to do so and I think that pertains also to the payment to Squire Fenner, and they asked me to do it.

Q. Will McLean was there when you paid Squire Fenner?—A. Yes.

Q. Well, he was able to be around?—A. Yes; I know from that that that did not pertain to Squire Fenner. But I think that the Brislin one in Warrior Run did.

Q. Then you paid that out to Brislin personally?—A. I paid it, sure, by check, as I did all the others.

Q. Who was there when you paid him?—A. It was in the Democratic headquarters; there were a lot of politicians there, but I don't know for sure who they were there.

Q. At whose directions did you pay him?—A. At the direction of these gentlemen.

Q. Why did Brislin come to your office, do you know?—A. Yes; I think I sent for him.

Q. You and Brislin were raised together?—A. Yes.

Q. And you have known him all your life?—A. Yes.

Q. Then you selected him, didn't you?—A. What do you mean by that?

Q. You selected him as a man to employ watchers or for some other purpose?—A. Yes; I told him to look after that.

Q. How many men did you select of these men who were paid money?—A. I didn't select any.

Q. You selected Brislin?—A. Well, just in that particular.

Q. William McLean, jr., lives in the city of Wilkes-Barre?—A. Yes.

Q. And in the seventh legislative district?—A. Yes.

Q. And you have lived practically all your life in what is known as the second legislative district?—A. Yes.

Q. The next item is November 6, William Kilgallon, Pittston, \$10.—A. Yes.

Q. What was that for?—A. Mr. Kilgallon came to my office—what is the date of that?

Q. November 8?—A. That is the day of the election, isn't it?

Q. November 6.—A. That is before the election. And he informed me that there were certain districts in his bailiwick that hadn't been looked after and that he had gone to see Mr. McLean, I think he said, and McLean was not in, and he had talked with McLean about it, and I understood that McLean was to pay him for two poll men there.

Mr. LENAHAN. What McLean?

A. William McLean, jr.

Q. Now, I was rude and didn't pay attention; will you tell me what that was for?—A. For two poll men in or about Pittston. He had spoken to Mr. McLean, jr.; and this day when he came down he couldn't find him, and he came over to me, but he didn't want the check given to him; one of the men for whom he wanted a check was named Walsh, he was one of the watchers, but he didn't know who the other one would be; and I gave him a blank check for \$5 and a check for \$5 for the man named Walsh, and I put it in my account as having paid Kilgallon \$10.

Q. Now, Pittston, where this money was to be used, was not in Mr. DeWitt's senatorial district?—A. No.

Q. I thought that this money was all to be used solely and exclusively in that senatorial district?—A. Yes.

Q. Were you paying out DeWitt's money in Pittston?—A. No.

Q. Whose money was it that you paid out?—A. McLean's.

Q. How do you distinguish that it was McLean's money?—A. Because it was paid out to Kilgallon at the instance of McLean.

Q. The next item is November 7, M. F. McDonald, \$30. He is a member of the bar?—A. Yes.

Q. Who directed you to pay that money to him?—A. John J. Moore and Mr. McLean, jr.

Q. And the next item is on the same day, to the same man for \$50?—A. Yes.

Q. He lives in the borough of Sugar Notch, does he?—A. Yes.

Q. How many polling places are there in the borough of Sugar Notch?—A. Three.

Q. So there was \$80 paid to M. F. McDonald, of Sugar Notch, was there?—A. Yes.

Q. And that \$50 was also paid out at the instance of both McLean and Mr. Moore; that is, Mr. McLean's brother, and Mr. Moore, acting for DeWitt?—A. Yes.

Q. The next item is November 7, J. K. P. Fenner, Ashley, third ward, \$10. Who directed you to pay that money to Fenner?—A. Either Mr. Moore or Mr. McLean.

Q. The next is to Anthony Lenahan, Sugar Notch, November 7, \$5. Who directed you to pay that money to him?—A. As I recollect it, the day it was paid to him I was in Mr. McLean's office, and Lenahan came in and spoke to us about being a poll man and so on; he works in Wilkes-Barre but travels around down there, and we talked it over and McLean said, let him be a poll man.

Q. Where was he to be a poll man?—A. I presume in Sugar Notch.

Q. Anthony Lenahan, as you know, has lived for a great many years away from Sugar Notch?—A. No; he don't live there now; he works in the Grand Opera House.

Q. Is this the Anthony Lenahan who works at the Grand Opera House?—A. Yes.

Q. The next item was D. H. Brislin, Warrior Run, \$10?—A. Yea.

Q. What was that to be used for?—A. What was the date of that?

Q. The day before election; that is, November 7.—A. That was paid him to be used down in Warrior Run and that portion of Hanover Township that adjoins Warrior Run. As I recollect it now, on account of getting out some teams or something.

Q. To take the voters to the polls?—A. I think so.

Q. As I have enumerated this now, you put \$85 into Sugar Notch borough, didn't you?—A. If that says that—\$80 and \$50 and \$5. That is right.

Q. And you have already said that there were three polling places in the borough of Sugar Notch?—A. Three polling places.

Q. You have here in this estimate November 7 cash to William Joyce, Parsons, \$10?—A. Yes.

Q. At whose direction did you pay out that money?—A. At the direction of Mr. McLean, jr.

Q. Who is Joyce?—A. I don't know aside from the fact that he is a resident of Parsons.

Q. This Parsons Borough was not in the senatorial district?—A. No.

Q. That was not paid, then, for De Witt, was it?—A. No; I think not.

Q. It was paid for McLean?—A. Yea.

Q. Did you pay it out of McLean's part of the fund or out of De Witt's?—A. It was paid out of the money I had, but was charged up to Mr. McLean.

Q. And on October 8 you paid John Brennan, Larksville Borough, \$5?—A. Yes.

Q. At whose directions?—A. Mr. Brennan came to me and told me that he had seen McLean, jr.; that he had been over in Larksville and found that one or two men who had been appointed as poll men were not acting, and he wanted me to let him have the wherewithal to procure poll men.

Q. It was for additional poll men somewhere in Larksville Borough?—A. Yes.

Q. And your last item is for "Postage stamps used by me, \$2.20"?—A. Yes.

Q. You used these postage stamps, of course, in sending out letters?—A. Yes.

Q. On behalf of both McLean and De Witt?—A. On behalf of the whole ticket.

Q. On behalf of the whole ticket?—A. Yea.

Q. And the total expenditures were \$2,232.20, were they?—A. Yes.

Q. And that left a balance of \$287.80?—A. Yes.

Q. What did you do with that?—A. Returned it to Mr. McLean, jr.

Q. Why?—A. Because it was his money.

Q. Didn't any of it belong to Mr. De Witt?—A. No.

Q. It was all his money?—A. Yes.

Q. Now will you take a pencil and figure out why you sent it? What particular part of this expenditure was for DeWitt and which was for McLean?—A. I can tell you more satisfactorily than by figuring it. Mr. McLean, jr., used some of the money in the twentieth senatorial district that he was going to get from me, but for some reason or other at the time that he was going into this territory he was unable to see me and he didn't get it from me, so that left that sum of money in my hands.

Q. Out of the \$1,250 given to you for Mr. DeWitt you sent no money back to DeWitt or to anybody for him, did you?—A. No.

Q. How about this amount put in Parsons and Pittston?—A. What do you mean by that?

Q. That was DeWitt's money, part of it, wasn't it?—A. No, that is explained by this. This check for \$125 that was given to John Moore was given to him at a meeting of the three of us, John Moore, William McLean, jr. and myself; we had a talk over this fund and Moore said, "Let me have a check for \$125 and that will be all that is coming to us, to DeWitt." I then gave him a check and that settled DeWitt's connection with any fund that I had, and this money that was in my possession was due, to the fact no doubt that McLean spent some money that he was going to get from me and didn't get it.

Q. Did he tell you where he had spent that money?—A. No.

Q. Do you know why McLean didn't give you money in the same way for any other part of this county?—A. Yes.

Q. Why?—A. Because he was treasurer.

Q. Do you know why he didn't put the money for the rest of the county into your hands to be paid out at your discretion?—A. For the reason assigned. He was treasurer and I was not supposed to have it.

Q. Why did he pay this money in for the senatorial district? He was treasurer for that district also for his brother?—A. He was, to be sure, but it was put there for the reason assigned in the beginning. These two gentlemen came to me at my office as I explained, and the money was paid in that way.

Q. Did you know of the expenditure of any other money for McLean?—A. No, I did not.

Q. Then all the money that was expended other than what you have testified to here by William S. McLean, jr., was expended without your knowledge or consent?—A. Yes.

Q. Did you pay out any other moneys except what you have produced on this paper?—A. That is a correct and complete account.

Q. What about the check you gave to B. W. Davis?—A. I think that Mr. McLean gave me a check for Mr. Davis.

Q. Then you have not accounted here for all the moneys received from Mr. McLean?—A. No, that was just handed to me and not given to me at all.

Q. Under what circumstances did Mr. McLean give you a check for Mr. Davis?—A. I would like to see the check. Is it Mr. McLean's check?

Q. I don't know, you had it.—A. That was not paid to me in this fund as I recollect it. That was just a check handed to me to hand to Mr. Davis, payable to him.

Q. Let me see your stubs, will you?

(Witness produces check-book stubs.)

Q. I direct your attention now to the stub as shown in your check book, showing a check payable to Aaa K. DeWitt for \$275—check 2263. Was that a part of this fund?—A. Yes, I am going to explain that.

Q. I wish you would.—A. Mr. DeWitt was going into the fourth legislative district, he was to take \$270 to Mr. Good in that district.

Mr. DABO. And your stub has the record of Good written on it?—A. Yes.

Q. Your stub has the word "Good" on it, which refers to the man named?—A. Yes.

Q. He was a candidate in the fourth legislative district?—A. Yes.

Q. Go on.—A. DeWitt was to go into that district the following day, but on the following day DeWitt was unable to do so, and Moore and McLean, who were present at the time, thought it was rather late, and that this money should be sent down. I then gave \$270 in another check, that is the same amount. The \$270 making \$620 that went down into the fourth legislative district, and I had Moore give me his check for the same amount that DeWitt held, reimbursing me for the \$270.

Q. Then that check was embraced in the check which subsequently went to Sheridan?—A. Yes, the \$620.

Q. And it was to be for Good?—A. Yes.

Q. It was to be delivered to Good, wasn't it?—A. It was given to Sheridan for that purpose.

Q. To be delivered to Good?—A. Yes, so that is the reason that my statement to him don't show that \$270, because I never had it.

Q. I direct your attention to the check to Richard B. Sheridan, November 3, for \$620. I wish you would read what appears there on the stub of your check book?—A. (Witness reading.) "November 3, 1910, Richard B. Sheridan, \$620. \$270 to Good, \$250 Sheridan, \$100 Gallagher."

Q. Now, Mr. Moore, I direct your attention to check stub 2280, and I wish you would read what your check stub shows—first in ink.—A. (Reading.) "November 7, 1910, B. W. Davis, politics, Kingston polls." That is wrong, it ought to be the Hub, \$25.

Q. But you had written in ink in the column opposite that stub, \$40?—A. Yes.

Q. And that check was originally to B. W. Davis, wasn't it?—A. No.

Q. Why did the name of Mr. Davis appear on that check stub?—A. For this reason: I got a suit of clothes in the Hub that very day and I had a number of blank checks with me; that was the day I had also the check for Mr. Davis. When I came to check it up in my stubs I thought that I had paid the check to Mr. Davis—my own check—I found that check unaccounted for at the time and I thought it was paid to Davis, and I put his name there over the Hub, but the check will show that it was \$25 paid out for my personal account.

Q. Will your check No. 2280 show that it was paid to the Hub and not to Mr. Davis, of Kingston?—A. Yes.

Q. Isn't it a fact that the check you gave to B. W. Davis was your own check and that he never indorsed it, but that he got the money out of the bank without indorsing it?—A. Well, if he did they owe me \$40.

Q. Isn't that a fact?—A. I don't know, but I am glad to know it now.

Q. Your bank book balances, doesn't it?—A. It shows a little short, and I am glad to know that.

Q. I direct your attention now to the balance carried forward by you in your check stub, opposite check No. 2280, what does it show?—A. \$488.40.

Q. From that you have subtracted at the bottom of that particular stub an amount leaving a balance of what?—A. \$398.40.

Q. What amount did you subtract from that?—A. Evidently \$40.

Q. If that was a \$25 check for the Hub why did you take \$40 out of your account?—A. For the reason explained that when I paid that check to the Hub it was a blank check that I had with me. I had other checks, and when I came to enter it up the confusion arose.

Q. Then you made a mistake?—A. I did in this, that my account in the bank showed less money than I thought it ought to all the time, and I never could account for it—I mean by comparing it with this.

Q. Answer this question: Have you anywhere in your check book, as evidenced by the stubs which you herewith present, corrected that to show that you have subtracted \$25 for the Hub check instead of \$40 for the Davis check?—A. I don't know unless I look over these.

Q. Look it over and see.

(Witness examines stubs.)

Q. Can you find any place in your check book where you have subtracted \$25 instead of \$40?—A. No.

Q. So far as your check book shows to-day, that \$40 still stands as having been withdrawn from your account, according to that book?—A. You mean as to the balance?

Q. Yes.—A. That is true, but the check itself shows on the face of it that it was paid to the Hub Clothing Store.

Q. Have you got it with you?—A. No; but I will get it.

Q. The next stub on your check book is No. 2281, and shows what?—A. R. J. O'Donnell, that is not for—I borrowed this for politics.

Q. For what politics?—A. For Democratic and Republican politics, I presume.

Q. For the last campaign, wasn't it?—A. No; here is how that was. It is a personal matter. I needed some money and I borrowed it no doubt from O'Donnell from time to time, and put that memorandum on there to show what it was for. It is \$14, and it is not charged to anybody, because that was my own personal account.

Q. That \$14 was not charged to anybody except yourself?—A. Yes.

Q. In other words, you spent \$14 in the last political campaign, as evidenced by the check, which you did not receive from DeWitt or McLean?—A. Yes.

Q. And you have not accounted for that, have you?—A. No, because I didn't charge it to them. That was for my own private affairs.

Q. It says there for politics?—A. I know; that is for my own private information. For instance, I had to eat during that time and had my own personal expenses, and I didn't charge them.

Q. If that is for the purpose of getting meals, why do you say on there in the margin that it is for politics?—A. I told you that was for my own information.

Q. You paid it to him, as you put down there, for that purpose?—A. Certainly.

Q. You paid it to him to repay a loan which you had borrowed to use for political purposes. Will you say, now, that that \$14 was used only for politics?—A. No; I don't say it is.

Q. Can you tell me now what that \$14 was used for?—A. I haven't any means of knowing what that was used for, except from the memorandum there. That it was during that time, by reason of my connection with the Democratic Party, that I was obliged to spend money.

Q. Well, then, why didn't you take that \$14 out of the check for \$287.80 that you returned to McLean?—A. Because I did with that money just as they directed and that was all there was to it. I wasn't charging that to them.

Q. I direct your attention now to check stub No. 2284 and wish you would read what that entry shows. No. 2281 is not here, either.—A. That don't pertain to this account at all.

Q. Read the entries on check stub No. 2284. That is not here either, the check.—A. (Reading.) "November 9, 1910, Hugh Price, this was for Joyce politics, Parsons."

Q. Who is Hugh Price?—A. A resident of the city of Wilkes-Barre.

Q. What does he do?—A. He works for the Stegmaier Brewing Co.

Q. He is a collector and agent for the Stegmaier Brewing Co., isn't he?—A. Yes.

Q. Under what circumstances did you pay Stegmaier's collector \$10?—A. I had borrowed \$10 from Price this night the money was paid to Joyce.

Q. Where did you receive that money from Hugh Price?—A. At Democratic headquarters.

Q. Did he take an active interest in the campaign?—A. Not that I know of.

Q. What was he doing at the time you borrowed the money?—A. The place was thronged with people.

Q. Mostly beer collectors and agents?—A. No; mostly decent citizens.

Q. You don't consider beer collectors decent citizens?—A. Yes I do.

Q. Why do you distinguish then?—A. I don't distinguish.

Q. I direct your attention here now to the check you have produced to John J. Moore for \$125. There is no stub accompanying, or for that in your book, is there?—A. No.

Q. It was a counter check?—A. It was a counter check.

Q. But you have an entry in that book showing that the check was drawn November 5 or 6, for \$125?—A. Yes.

Q. Read the original indorsement on the back of that check.—A. (Reading from check.) "Pay to Andrew J. Beckley, John J. Moore, Chairman C. H. Andrew J. Beckley."

Q. How much is that check for?—A. \$125.

Q. Referring again to that check for \$40 for Davis, did you ever get that money from George McLean?—A. My recollection at this time is that it was given to me by William McLean, jr.

Q. In cash?—A. I can't just tell that now, but I do remember the circumstances. I was in his office and he was trying to get Mr. Davis on the 'phone, and he asked me, as I recall it, to take the check to him, but I don't now remember whether he gave me the cash or not—whether he gave me the cash or a check.

Q. If he gave you a check you would not have written another check?—A. It is not likely.

Q. The chances are then that he gave you the cash for B. W. Davis?—A. It seems so.

Q. Mr. Davis is in the same building with you?—A. Yes.

Q. And you paid this money to him on the same day that you received it?—A. I think that when I went over I called Davis on the 'phone and he was not there; that is my recollection as to that. I don't know whether I paid him personally or sent it to him by mail.

Q. You have already said that for none of the moneys you received have you filed an account?—A. No, sir.

Q. There are certain checks, amounting to some three or four; will you produce those?—A. Yes, sir.

Mr. LENAHAN. Until the contestee gets through examining this witness I will suspend my cross-examination. I want it all to go in first.

Mr. JONES. Contestee offers in evidence letter produced by the witness written on the letter head of E. J. Moore, and dated Wilkes-Barre, Pa., November 26, 1910, as follows:

WILKES-BARRE, PA., November 26, 1910.

W. S. MCLEAN, Esq.,
Wilkes-Barre, Pa.

DEAR SIR: Inclosed find check for \$267.80, balance in my hands, as shown by the following account:

November 2, 1910, amount received from Mr. DeWitt and you.....	\$2,500
November 2, 1910, paid by check, John H. Bigelow.....	\$800.00
November 3, 1910, paid by check, Richard B. Sheridan.....	620.00
November 3, 1910, paid by check, George Reilly (Hazelbrook).....	10.00
November 3, 1910, paid by check, John Moore, chairman.....	500.00
November 5, 1910, paid by check, J. K. P. Fenner, 1 and 2	
Ashley.....	20.00
November 5, 1910, paid by check, John Moore, chairman.....	125.00

November 5, 1910, paid by check, Geo. Reilly, constable-----	\$15.00
November 5, 1910, paid by check, D. H. Brislin, Warrior Run-----	10.00
November 6, 1910, paid by check, Wm. I. Kilgallon, Pittston-----	10.00
November 7, 1910, paid by check, M. F. McDonald, Sugar Notch-----	30.00
November 7, 1910, paid by check, M. F. McDonald, Sugar Notch-----	50.00
November 7, 1910, paid by check, J. K. P. Fenner, Ashley, third-----	10.00
November 7, 1910, paid by check, Anthony Lenahan, Sugar Notch-----	5.00
November 7, 1910, paid by cash, D. H. Brislin, Warrior Run-----	10.00
November 7, 1910, paid by cash, Wm. Joyce, Parsons-----	10.00
November 8, 1910, paid by cash, Jno. Brennan (for Larksville)-----	5.00
For postage used by me-----	2.20
	2,232.20
Check inclosed-----	267.80 \$2,500

JOHN J. MOORE, called on behalf of contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You were the treasurer for Asa K. DeWitt, who was the Democratic candidate for State senator in the twentieth senatorial district of this State, comprising a part of this congressional district, were you not?—A. I was chairman and treasurer.

Q. And as such you received money from Mr. DeWitt?—A. Yes, sir.

Q. Did you receive any money from Wm. S. McLean, Jr., or George McLean, the contestant?—A. I received \$315 from Wm. S. McLean, Jr.

Q. Where?—A. In E. J. Moore's office.

Q. How was it paid to you?—A. By E. J. Moore.

Q. In what form?—A. I don't recollect exactly whether it was in cash, but I think it was by check. I will correct that answer. I received \$625, part of it Mr. McLean's and part of it Mr. DeWitt's; \$315 was McLean's and the balance was DeWitt's.

Q. Why did you give E. J. Moore, the county chairman, \$1,250 of Mr. DeWitt's money?—A. Mr. McLean and myself, Mr. Wm. S. McLean, Jr., he being George McLean's treasurer, we talked over the matter of paying the Democratic poll men in the twentieth senatorial district. We agreed that it would be better to put in our money together and have the poll men selected for both men—for the Democratic Party. We made Mr. E. J. Moore, I don't know what you would call it, but I would call it stakeholder—he held this money for us and distributed it under our instructions for poll men for the Democratic Party.

Q. For poll men for the Democratic Party?—A. Yes.

Q. And this \$1,250 which you contributed to Mr. E. J. Moore, together with the \$1,250 contributed by Mr. Wm. S. McLean, Jr., to Mr. E. J. Moore, was to be used under the direction of both yourself and Wm. S. McLean, Jr., in the interest of Mr. George McLean, the contestant, and Mr. Asa K. DeWitt?—A. Yes.

Q. And it was so used to the best of your knowledge?—A. Yes.

Q. Did you pay out any other money to be used in the same way, for Mr. DeWitt and Mr. McLean?—A. No.

Q. Do you know Joseph Lee?—A. Yes.

Q. Did you pay him any money?—A. Yes.

Q. For what purpose?—A. I paid Joseph Lee a portion of the combined money, to select Democratic poll men. I also—

Q. Where?—A. I don't recollect exactly where. I don't know whether it was in a check or in cash.

Q. Where were the poll men to be selected?—A. In Plymouth Borough.

Q. You paid him \$130, didn't you?—A. I paid him \$75, the portion of the money which we portioned out for Mr. McLean's interest was \$75.

Q. You paid Mr. Lee, as shown by your account, \$130, didn't you?—A. If you are questioning me, Mr. Jones, relative to Mr. DeWitt's expense account now I would like to know it.

Q. I am questioning you as to the money you paid to Mr. Lee, for political purposes, no matter whose account it refers to.—A. I paid Mr. Joseph Lee for political purposes, \$180 and \$75.

Q. \$180 and \$75?—A. Yes.

Q. Then you paid him \$225.—A. \$225 is right.

Q. Did you so account for \$225 in your account?—A. No.

Q. Why not?—A. I merely acted as disbursing agent for Mr. Wm. S. McLean, Jr., in regard to the \$75. It had nothing to do with the DeWitt expense account.

Mr. LEAHAN. Of that \$225, \$75 of it was for Mr. McLean, and was Mr. McLean's money.

A. It was McLean's money and I was not his treasurer and didn't file an account.

Q. And that is a part of the \$315?—A. Yes.

Mr. JONES. We object to counsel for the contestant examining this witness at this time.

Q. Then of this \$315, which you expended on behalf of Mr. George McLean, you didn't include any of that in your expense account?—A. Not in my DeWitt expense account.

Q. Did you file any other account, for Mr. McLean?—A. No; I did not.

Q. When you paid this money out to persons for McLean it was to be used as well for DeWitt, wasn't it? That was the understanding then was it?—A. Now, I had extra money—understand. I had \$625 to be used for the Democratic pollmen, a part of that, or half of it was Mr. DeWitt's and half of it was Mr. McLean's. In addition to that my expense account of DeWitt's campaign, that showed that I had special money for DeWitt, to be used for DeWitt alone.

Q. Then the \$1,250 which you received for DeWitt is not shown in this account?—A. Yes; certainly it is.

Q. You only received \$350 of it back from McLean?—A. No; I received that for Plymouth Borough, that portion of the money of McLean's. There was \$625 portioned to Plymouth Borough, of that \$2,500.

Q. Then of this \$1,250, which McLean deposited, you received \$315, which was to be used in McLean's behalf in Plymouth Borough.—A. That is right.

Q. And at the same time you received \$310 from this stake, deposited with Mr. E. J. Moore, of DeWitt's money, to be used in Plymouth Borough?—A. Yes; exactly.

Q. To be used on behalf of DeWitt?—A. Yes.

Q. But, as a matter of fact, you never divided that money into two parts, but the whole \$620 was to be used in Plymouth Borough for poll men for DeWitt and McLean?—A. Exactly.

Q. How many polling districts are there in the borough of Plymouth?—A. Thirteen.

Q. And there was \$620?—A. Pardon me, I am off on that. This \$625 was for poll men for Plymouth Borough, Plymouth Township, Larksville Borough, and Edwardsville Borough; I want to correct that.

Q. Why didn't you remember that at first?—A. We were talking about Plymouth Borough and we were discussing Plymouth, and I think it was a natural mistake for me to make. It was not quibbling for me at all, it was a natural mistake in my answer here.

Q. You were interested in Mr. McLean's candidacy?—A. As a Democrat; yes, sir.

Q. And wherever it would help De Witt to have McLean and De Witt run together you did so, didn't you?—A. Certainly.

Q. And to that end you employed watchers?—A. Yes.

Q. Who would help both parties?—A. That is true, but it did not necessarily follow that all these men were for McLean and De Witt.

Q. I don't mean that; I mean in addition to the \$315 of McLean's and the \$310 of De Witt's money, in addition to that \$620 or \$625—in many places through your senatorial district you found McLean men and De Witt men working together, didn't you?—A. I think I did in a few instances.

Q. And the McLean money and the De Witt money was used in common in other districts throughout the senatorial district, so far as you could have it used?—A. I couldn't answer that. For instance, Lee knows how he used the money and that is for him to say. I was De Witt's chairman and treasurer and the extra money that I had was for De Witt alone. If some of these poll men working for De Witt and that sort of thing went on and worked for McLean I know nothing about it; that is, generally speaking.

Q. In your account you have, "John H. Bigelow, \$400." Is that part of the money paid to him by E. J. Moore?—A. Yes.

Q. And in the same way, "Richard B. Sheridan, \$440." That was a part of the money paid by E. J. Moore?—A. Yes.

Q. Richard B. Sheridan, as shown by the account submitted this morning of E. J. Moore, received \$620 out of this money that was pooled?—A. Are you asking me a question?

Q. Yes; he received that, didn't he?—A. I presume so, if it is there.

Q. It was paid out at the direction of yourself and William S. McLean, Jr.?—A. To the best of my recollection; yes, sir.

Q. Do you say that this \$440 which you used and which you accounted for as having been paid to Sheridan was part of this \$620?—A. One-half of that was De Witt's and half was McLean's. It would be \$310.

Q. Then De Witt got \$310 from Mr. McLean?—A. I presume so.

Q. Through this account?—A. Yes.

Q. And \$310 from DeWitt through this account?—A. Yes.

Q. Why do you charge yourself with \$440 for Sheridan?—A. I can't answer that positively just now.

Q. Did you give Sheridan that?—A. I presume I did if there is a receipt, if that is the way my expense account shows.

Q. Your expense account shows—can you recall how much money you paid Richard Sheridan for political purposes at all?—A. Not just now.

Q. And you say of this \$620 one-half of this was for DeWitt and the other half was for McLean?—A. Yes.

Q. Then you did give Sheridan some money?—A. If my expense account for Mr. DeWitt calls for that amount charged against Mr. Sheridan, that \$310, then I did.

Mr. LENAHAN. You gave that for DeWitt, did you?

A. \$440.

Mr. JONES. Then you did give Sheridan more money?—A. I am not saying so, and I don't want to go on record what I gave to Sheridan, except what my expense account shows. If there is a receipt there from Sheridan for \$440, I presume Sheridan got it.

Q. How much did you pay Sheridan?—A. I don't recollect.

Q. Have you your check book with you?—A. I don't use a personal check book. I have all the checks with me that I issued during the political campaign.

Q. Have you a check issued to Richard B. Sheridan?—A. No.

Q. Why not?—A. It was issued by E. J. Moore for \$620.

Q. But only one-half of that was McLean's and the other half was DeWitt's?—A. Exactly.

Q. And in your account you say that you paid to Sheridan \$440. How did he get the difference between \$440 and \$310?—A. I don't know this morning. I want to say that I have been very busy lately, and when I had this subpoena served on me I didn't have time to take the matter up thoroughly. Is there a receipt for \$440 from Sheridan filed with my account, do you know? I haven't the receipts here; I have only a copy of this account.

Q. I haven't them here, either. Let me ask you about this payment made from Edward J. Moore, \$500, on November 3. What was that for? That E. J. Moore paid you on November 3?—A. To pay the Democratic poll men for the Democratic Party in Edwardsville Borough, Plymouth Borough, Larksville Borough, and Plymouth Township.

Q. And you later got a check from him for \$125?—A. Yes.

Q. He paid that, too?—A. Yes; that was for Democratic poll men, or rather it was disbursed out through certain men, which I have the names of, some of them, but not all this morning, for Democratic poll men.

Q. You turned that whole check for \$125 over to a man named Andrew Beckley?—A. Positively not.

Q. Didn't you indorse that check, indorse it over to the order of Beckley, and sign it John J. Moore, and didn't Beckley sign it after you and get the money on it?—A. Not to my knowledge.

Q. Then you yourself received \$625 out of the fund in the hands of Mr. E. J. Moore, did you?—A. Yes.

Q. What was this \$625 used for?—A. For Democratic poll men.

Q. Where?—A. In Edwardsville Borough, Plymouth Borough, Larksville Borough, and Plymouth Township.

Q. Did you pay these poll men yourself?—A. Not all; a few of them only. I checked up the list of the poll men.

Mr. JAMES J. JUDGE, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. Where do you live?—A. Plains.
- Q. You are a merchant by occupation?—A. Yes.
- Q. How long have you lived in Plains?—A. In Plains Township or just Plains?
- Q. In Plains Township?—A. About 20 years.
- Q. Plains is one of the villages that go to make up the township of Plains?—A. Yes.
- Q. About what is the population of Plains proper—of Plains Township?—A. About 11,000.
- Q. Do you hold any official position in Plains Township?—A. Yes.
- Q. What position do you hold?—A. School director.
- Q. How long have you been a school director?—A. About 16 or 17 years.
- Q. Do you hold any position on the board other than as a member?—A. President of the board.
- Q. You are also the boss of the board, are you not?—A. I don't know about that; I have a vote.
- Q. How many school-teachers are employed in Plains Township?—A. About 30, I think.
- Q. Both male and female?—A. Yes.
- Q. And they all live and their families live in the township?—A. Yes, sir.
- Q. Of course you try to employ your local people if they are efficient?—A. Yes.
- Q. You received a sum of money from William McLean, Jr., on behalf of George McLean, this contestant, at the last election?—A. Yes.
- Q. How much did you receive?—A. \$150.
- Q. I wish you would tell us how you expended that money.—A. I haven't a complete list; I tried to make it out the last couple of days.
- Q. To the best of your recollection, tell us what you did with it.—A. John McGuire, \$10.
- Q. Who is he?—A. A school-teacher in Wilkes-Barre city.
- Q. Where does he live?—A. In Plains.
- Q. He has been a school-teacher for a great number of years anyway, hasn't he?—A. He has been a school-teacher in Plains; yes.
- Q. How many years?—A. That I don't remember.
- Q. Well, approximately?—A. Probably 8 or 10 years.
- Q. And he still lives in Plains?—A. Yes.
- Q. Who did you pay the next money to?—A. P. J. Conlin, \$35.
- Q. Who is he?—A. A school-teacher in Plains.
- Q. Where was he to use that money?—A. In the sixth, third, and tenth districts.
- Q. Is there any other Conlin lives in Plains, to your knowledge?—A. Yes.
- Q. What is his name?—A. Thomas.
- Q. What does he do?—A. Railroader.
- Q. Is there any other Conlin?—A. Yes; he has several brothers.
- Q. What is his brother's name, the mine foreman?—A. John.
- Q. Is he a brother of this man to whom you gave the \$35?—A. Yes.
- Q. Now, you are sure that you haven't the wrong Conlin?—A. No.
- Q. You didn't pay this to the mine boss?—A. No.
- Q. You are sure about that?—A. No.
- Q. To whom did you pay the next sum?—A. M. A. Flynn, \$5.
- Q. Who is he?—A. A gentleman of leisure, I think, at present.
- Q. What has been his occupation?—A. He was in the hotel business.
- Q. For how long?—A. I don't know how long, quite a few years though, but he has been out of it for a couple of years.
- Q. Who was the next man?—A. Thomas McCormick.
- Q. What official position does he hold in Plains?—A. Health officer.
- Q. How much was he paid?—A. \$5.
- Q. How much was he paid by the township?—A. I think, \$60 a month.
- Q. Is he the McCormick who was commissioner of Plains Township?—A. No; a son.
- Q. Is he a son of that McCormick?—A. Yes.
- Q. Then his father also holds an official position in Plains Township?—A. The father is commissioner.

Q. And as such he employs men, doesn't he?—A. There are men employed by the board of commissioners.

Q. How many men constitute the board of commissioners?—A. Five.

Q. And there are a great number of men employed by this board to work on the roads?—A. Not very many.

Q. About how many?—A. I don't know as they have any at the present time.

Q. What men do the township commissioners employ in your township?—A. They employ the chief of police, and the health officer, and the secretary.

Q. What other policemen do they employ?—A. I don't know if there are any others employed. There are some other policemen in different districts, but not under salary—they are appointed, but not salaried.

Q. You say there is only one paid policeman in the township of Plains?—A. I think I am right when I say that.

Q. What was McCormick to do with that five?—A. Act as policeman.

Q. But he was paid by the township?—A. Paid by me.

Q. He was paid by the township for his services, too, wasn't he?—A. He is a salaried man.

Q. Who was the next man you paid money to?—A. Nazarene; I don't know his first name; he is an Italian.

Q. What does he do?—A. Works in the mines.

Q. For whom?—A. I don't know; I think for the Pennsylvania Coal Co.

Q. What are the politics of McCormick?—A. Democratic.

Q. Was his father elected on the Democratic ticket?—A. Why, I think he was. I forget now whether he got both nominations or not.

Q. You don't mean to say that you forgot anything about Plains Township politics, do you?—A. That don't interest me—the commissioners' fight.

Q. Are you not the reputed boss of Plains Township politics?—A. No; James Gibbons is.

Q. Aren't you in control of the school board, your faction at the present time?—A. Why, sure; certainly.

Q. And aren't you known as the boss now—whether it is correctly claimed or not, you are known as the boss up there?—A. A few fellows around here say I am.

Q. You have heard it said that you were boss of Plains Township?—A. I am more of a follower naturally than boss.

Q. You are the boss, aren't you?—A. No.

Q. Who was the next man that got money?—A. John Fritzke, \$5.

Q. What does he do?—A. He works in the mines also, I think.

Q. Who was the next man?—A. Miles Burke.

Q. What did he do?—A. He is a blacksmith; he got \$10.

Q. Why did you pay him \$10?—A. I wanted him to hire another man.

Q. Did he hire another man?—A. Yes; I guess he did.

Q. Who did he hire?—A. I couldn't say.

Q. Who else did you hire?—A. I paid \$5 at the Keystone to a Polander; I haven't his name; that is the eighth district.

Q. Do you know him?—A. I know him to see him.

Q. Was he a Democrat or a Republican?—A. A Democrat.

Q. How long have you known him?—A. I only knew him the day I met him, I think.

Q. That is the first day you met him—the day you paid him the \$5?—A. I think it was.

Q. Who told you that he was a good man to get?—A. Bert Bath.

Q. Who is he?—A. A carpenter.

Q. Where?—A. In the eighth district.

Q. Did you pay Bath any money?—A. No.

Q. Who else?—A. A Polish fellow in the seventh district.

Q. What is his name?—A. I don't know, but I think it is Mike or Martin Kovitch, although I am not positive.

Q. How much did you pay him?—A. \$5.

Q. Do you know what he does?—A. He works in the mines.

Q. Who else?—A. Thomas Dyddy, \$5.

Q. What does he do?—A. \$5.

Q. What does he do?—A. Works in the mines.

Q. Who else?—A. That is all I got a list of.

Q. Can you recollect what you did with the other \$60?—A. No; I can't.

Q. How many polling places are there in Plains Township?—A. Six.

Q. Who paid you this money?—A. T. M. Coniff.

- Q. Who is he?—A. Supervising principal in our town.
Q. He is supervising principal of the schools in that township?—A. Yes.
Q. And he is also under your employ?—A. Yes.
Q. How did he come to pay you this money?—A. The check was made payable to him and he indorsed it and gave it to me.
Q. Did you know it was coming?—A. No.
Q. Then, you had no dealings direct with William S. McLean, jr., in this matter?—A. No.
A. But he called you up on the phone and asked you to employ these men?—A. Yes.
Q. Then the only man you spoke to with reference to employing watchers was T. M. Coniff?—A. He came over with the check to me.
Q. What did he say to you?—A. He asked if I wouldn't put out \$150 in the township for poll men.
Q. How was it to be divided?—A. As I saw fit, I presume. Nobody told me what to do with it.
Q. Was there any other money, to your knowledge, put in there for McLean?—A. No.
Q. Then it was left entirely to your judgment as to how you should employ these people?—A. Yes.
Q. What was Conlin to do with the \$35?—A. Employ poll men for the sixth, third, and tenth.
Q. There were some districts that you didn't put any money at all in, did you?—A. No, I guess not. I think every district got some.
Q. Don't you know whether you put poll men in every district?—A. I think there were poll men in every district.
Q. Did Conlin tell you that he had placed poll men?—A. Yes; I gave him that money with the understanding that he would place poll men, and I suppose he did.
Q. So far as you know he did, but you have no knowledge of whether he placed them or not?—A. No; I have no list, but I believe I could get a list.
Q. But you don't know who he employed?—A. No.
Q. Were there any other school teachers on the job for McLean?—A. No.
Q. How many male school teachers have you in Plains Township?—A. I think ten or eleven.
Q. Didn't you make any memorandum as to who you paid this money to?—A. No.
Q. Why not?—A. I never bothered before, and I have been doing it for some time.
Q. When did you know when you had it all paid out?—A. I don't know whether I paid out all of it, but I know I generally leave a few go with it.
Q. You generally take an active interest in politics?—A. Yes.
Q. And you say you generally, when you pay out money for poll men, leave some of your own go too?—A. Well, it takes something to go around; that is what I mean.
Q. How many square miles does Plains Township cover?—A. That I couldn't answer.
Q. It extends over some distance?—A. Yes.
Q. How far is Hudson from where you live?—A. About a mile.
Q. How far is Midvale?—A. About another mile.
Q. How far is Keystone?—A. About 2 miles.
Q. You traveled around through the district then, did you?—A. Yes.
Q. Doing all that you could in behalf of McLean?—A. Yes.
Q. And you spent money of your own, of course?—A. It costs something to go around.
Q. Did you visit all the places in Plains Township?—A. On that trip.
Q. Did you on any other trip?—A. Yes; when I was out for myself I never neglected any of them.
Q. Didn't you go to any saloons while you were campaigning for McLean?—A. Not to go in to blow in any money for him.
Q. I didn't ask that. Did you go into any saloons?—A. I go in daily.
Q. Did you go in any when you were out paying out money for McLean?—A. I don't remember.
Q. Didn't you know that you set them up in the saloons for the boys?—A. I always do that.
Q. When you were around for McLean, you did?—A. I can't say that I did.
Q. Will you say that you did not?—A. I may have said, "Have a drink, boys."

Q. And George McLean is a good fellow?—A. Yes; and George is a good fellow.

Q. In other words, have a drink on McLean?—A. I don't know as I said it that way.

Q. That is what you meant?—A. I wouldn't say that.

Q. How much money did you spend that way?—A. I couldn't say; I didn't spend very much. I don't remember of going to saloons when hiring poll men very much.

Q. You said that in some places you were in you said, "Have something, boys," and George McLean is a good fellow?—A. That is probably what I would say.

Q. How many places did you say that in?—A. I can't remember.

Q. How many saloons are there in Plains?—A. Fifty or sixty; probably that many now.

Q. Was McLean with you in Plains at any time?—A. He called on me.

Q. How long before election day did he call on you?—A. A couple of weeks, I believe.

Q. Didn't you take him around and introduce him to the voters?—A. No.

Q. Where did he call on you?—A. At the store.

Q. Didn't he ask you at that time to place poll men for him?—A. No.

Q. Although McLean was up to see you, nothing was said?—A. I don't think it was in the store, either; it was in Coniff's office that I met him.

Q. How did you come to meet him there?—A. Coniff sent over for me.

Q. In the nighttime?—A. Yes.

Q. Then you promised McLean that you would do everything that you could in his behalf, didn't you?—A. Yes.

Q. And of course you did?—A. Yes.

Q. Everything you could do in his behalf you did?—A. Yes.

Q. And you exerted every influence you could?—A. Yes.

Q. Now, nothing was said at that time about his intention to send money up there to you, was there?—A. No, sir.

Q. Did he ask you to employ poll men for him?—A. No.

Q. Did he ask you who were good poll men in the various districts?—A. No, sir.

Q. He never said a word to you about that?—A. No.

Q. How much money, in your opinion, did you spend in this campaign?—A. I don't know.

Q. Can't you give us some idea?—A. No; it probably cost me \$5 or \$10.

Q. How much money of your own did you pay out for watchers?—A. None.

Q. Didn't you tell me a few minutes ago that you couldn't remember whether you had spent all the \$150 for watchers, but that you probably had, and some of your own with it?—A. It may have cost me \$5 or \$10 going around, but I don't remember.

Q. How do you know that you spent all of McLean's money for watchers if you have no account of it?—A. I paid some fellows I don't remember.

Q. You don't know that you didn't spend some of your own money for watchers?—A. Maybe I did; I don't remember.

Q. You wanted two watchers at every poll?—A. There should be.

Q. And that would take \$180 at \$5 apiece in Plains Township?—A. Yes.

Q. There are nine polling places there?—A. Well, I didn't put \$10 in every district. In the Keystone district there was only \$5.

Q. Do you remember any other district in which there was only \$5?—A. No; I don't.

Q. As a matter of fact, you put \$10 in every other district?—A. I can't remember now.

Q. Can you recollect any other district that you didn't put \$10 in?—A. No.

Q. You know that you tried to put \$10 in each district?—A. Yes.

Q. And you don't remember any exception outside of the Keystone district?—A. How do you figure \$180 there?

Q. Well, I was wrong in my figures. What was the greatest number of poll men you put in any one district?—A. Two is all I remember.

Q. Well, if you put two in each district that would cost you \$10.—A. Yes.

Q. And that would only use \$90 of your \$150.—A. That would be all.

Q. How did you spend the other \$60?—A. I can't remember; I gave you the best I could.

Q. Now, we come back to the same \$60 again. Can't you tell me how you spent that?—A. No.

Q. You had three or four poll men in some districts where there was a hot fight on?—A. No; I don't remember.

Q. You know every good political worker in Plains Township?—A. No.

Q. You say you don't know all of them?—A. I don't.

Q. How long have you been actively participating in township politics?—A. Twenty years.

Q. And you don't know now who the good political workers are?—I don't know them all.

Q. You know the most of them, don't you?—A. I know a good many.

Q. And every man that you hired was a good worker.—A. I supposed he was when I hired him.

Q. If you were anxious to get good workers tell us what you did with the other \$60.—A. I don't know.

Q. That is the best answer you can give, is it?—A. Yes.

Q. There was \$10 put in each district, to the best of your recollection, except the Keystone district?—A. Yes.

Q. That accounts for \$85.—A. Yes.

Q. Can you tell me what became of that \$65?—A. No.

Q. Were you at the polls on election day?—A. Yes.

Q. How long?—A. Long enough to vote.

Q. Didn't you go to the polls to work?—A. No.

Q. What time in the afternoon or morning did you go to the polls?—A. I don't remember. I don't remember whether it was in the morning or in the afternoon, but I think it was in the afternoon.

Q. And you can't tell us what became of the other \$60?—A. No; I can't.

Cross-examination by Mr. LEAHAN:

Q. How long have you been a merchant in Plains Township?—A. About 20 years.

Q. You do a large business up there, don't you?—A. Yes.

Q. And have been doing it for some time?—A. Yes.

Q. Now, Mr. Coniff is also a lawyer, isn't he; practicing here in the city of Wilkes-Barre?—A. Yes.

Q. And you know it to be a fact, don't you, that he read law in the office of Mr. McLean's father?—A. No, I don't know that.

Q. Didn't you know that he read law in his office?—A. No.

Q. This money was given to you for the purpose of employing watchers?—A. Yes.

Redirect examination by Mr. JONES:

Q. Do you say that the supervising principal of your schools is an active lawyer at this bar?—A. Yes.

Q. Does he come to Wilkes-Barre every day?—A. No, sir.

Q. He has an office here, hasn't he?—A. I don't know whether he has or his son.

Q. His son is a lawyer also?—A. Yes.

Q. What are his duties with reference to visiting the schools? how often does he visit them?—A. Why, he attends to his duties up there regularly. That is, he is employed every day.

Q. Is he also a justice of the peace?—A. Yes.

Mr. LEAHAN. And handles real estate and insurance?

A. Yes, sir.

Mr. JONES. How many schools have you in your township?

A. How many buildings?

Q. Yes?—A. About 10 or 11, maybe 12.

Hearing adjourned until 1:30 p. m.

Hearing resumed, pursuant to adjournment of forenoon session.

Mr. WILLIAM J. BUTLER, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You are an attorney at this bar?—A. I am.

Q. You were an officer of the Democratic Party at the last election?—A. I was.

Q. What position did you hold?—A. Democratic city chairman for the seventh legislative district.

Q. Which comprises the city of Wilkes-Barre only?—A. The city of Wilkes-Barre only.

Q. When were you made city chairman?—A. I can't give you the exact date. It was late. A few days before October 22. Right previous to the last registration day.

Q. You spent some money at the last election?—A. I did.

Q. How much money did you receive altogether, from all sources?—A. From all, \$1,000.

Q. I wish you would state from whom you received it.—A. On or about October 19, 1910, from W. J. McLean, Jr., \$250; at the same time, from William J. Weltzel, candidate for the legislature, \$50; from James M. Stack, candidate for the legislature, \$50. Previous to the general election on November 7, 1910, from William S. McLean, Jr., treasurer, \$450; from William J. Weltzel, \$100; from James M. Stack, \$100, making a total of \$1,000.

Q. You received altogether from Mr. McLean's treasurer, \$700?—A. \$700.

Q. What did you do with the \$250 you received in October?—A. I was chairman for three candidates, Democratic chairman; in October I had \$350.

Q. What did you do with the \$250 you got from McLean in October?—A. Out of that campaign fund I spent \$140 to hire men on registration day to get out the vote.

Q. How did you spend that? On who?—A. I hired men in each district.

Q. How many districts are there?—A. Forty-six.

Q. And how much did you pay a man in each district?—A. In the majority of districts \$2.50 in each ward, with the exception of the seventh, fourth, and tenth wards, which were looked after by friends of the candidates.

Q. Then how much did you spend for registration purposes?—A. \$140.

Q. William S. McLean's account shows that he gave you, William J. Butler, Esq., for registration, \$250 in the city of Wilkes-Barre. Is that so?—A. He gave me that, and I had remaining out of that \$250 and the two fifties I got from Weltzel and Stack the difference, or \$210 at the end of the day.

Q. What became of that \$210?—A. I kept it until the general election.

Q. And when did you receive the \$450 from McLean?—A. I have it marked November 7; that is the day before election. I think it might have been this.

Q. For what purpose was that given to you?—A. For poll men.

Q. Did you distinguish McLean's money from the other money?—A. I did not; I was chairman for the Democratic candidates.

Q. Then how much money did you have for distribution among the poll men at the general election?—A. I had \$210 and \$450 which I received from Mr. McLean, and \$100 from Weltzel, and \$100 from James M. Stack, less \$2 for one box of typewriter paper, \$3 for a box of carbon paper, \$8 for printed notices of registration, printed by the Square Print Co., and notices to register, \$8 for distributing notices, which were by boys going from house to house; postage stamps \$4, and cigars \$14.50.

Q. \$14.50 for cigars?—A. Yes.

Q. Where were they used?—A. Used on election day.

Q. Where?—A. Everywhere.

Q. About the polls?—A. All through the city.

Q. At the polls?—A. Some of them.

Q. How many boxes was represented by that \$14.50?—A. I don't remember, but I remember buying four boxes at Kearney's cigar store and one box in the fifteenth ward and the rest I bought.

Q. Where did you buy the rest?—A. A few handfuls—I think, I got some in Coyle's candy store.

Q. On election day?—A. On election day. No; I bought them the day before.

Q. What were you doing with cigars the day before election?—A. Treating the boys.

Q. Where?—A. Wherever I went to do some work.

Q. You went in your capacity as city chairman and treasurer for the city campaign, and you took cigars around with you?—A. I always had cigars.

Q. But this was campaign cigar money, wasn't it? These were not your personal cigars that you were distributing?—A. No.

Q. After you talked with a voter you gave him a cigar, did you?—A. After I talked with a worker I gave him some.

Q. Was he also a voter?—A. I surmise. All my workers were voters.

Q. How did you distribute four boxes on election day?—A. I distributed them.

Q. Yourself?—A. No; I gave two boxes to George Dreher, who was in another automobile.

Q. Then you were traveling around in an automobile on election day?—A. Part of the time.

Q. And George Dreher, who is connected in some way with Mr. McLean's office, was also traveling that way on election day?—A. Part of the time.

Q. And you had each two boxes of cigars?—A. As I remember it.

Q. Do you mean to say that you stopped at the polls and distributed these from place to place?—A. I distributed them over the city at the polls and wherever I met—

Q. You visited each polling place?—A. Yes.

Q. And where the voters stood around the polls you distributed them to the men around the polls?—A. No.

Q. To whom did you distribute them?—A. I gave them as we came into a place to the men acting on the election boards, to Democrats and Republicans alike.

Q. In other words you bought these cigars for election purposes?—A. I bought them for whoever I was to give them to.

Q. In your general rounds throughout the city you treated the election boards as well as everybody else?—A. I did.

Q. That is during the day while they were conducting the election?—A. Yes.

Q. And you would also distribute cigars about the polls to voters?—A. At times to men on the outside who were standing there. I opened a box and handed them out to any one who was there.

Q. What did you say when you handed out a cigar?—A. Have a cigar.

Q. On who?—A. That I don't believe I said.

Q. Didn't you tell anybody who you were in favor of?—A. I did.

Q. At the time you were distributing the cigars didn't you tell who you were in favor of?—A. Everybody knew.

Q. Were there any other incidental expenses other than the engaging of the poll men?—A. Yes.

Q. What balance does that leave you after the distribution of the money to the poll men?—A. That I can't tell you; figure it out.

Q. You figure it out.—A. \$820.50.

Q. How did you distribute that \$820.50?—A. To pollmen.

Q. Whom did you pay it to? Give us the names of some of the men you paid it to?—A. Whom I paid?

Q. Yes.—A. William Dugan. The men that I paid are my city committeemen.

Q. You paid them personally?—A. Yes; the night before election.

Q. How much did you give each man?—A. \$10 in most cases.

Q. How many committeemen in the city?—A. There are 46.

Q. And you paid out \$460 to your city committeemen?—A. I paid more than that.

Q. Tell us to whom you paid it?—A. In the most cases I gave the city committeemen \$10, but in the thirteenth, fourteenth, and second wards I paid them \$20 to pay for their pollmen.

Q. They were to get four pollmen in these districts?—A. They were to pick four or two, just as they felt like.

Q. Do you mean to pick out two at \$10 each or four at \$5 each?—A. Just as they thought a man was worth.

Q. Did you know who they were to pick?—A. Not in all cases.

Q. In how many districts did you put extra watchers?—A. That I don't remember.

Q. Give me those districts you cited where you gave the district committeemen for some districts extra money.—A. In most of the strong Democratic districts they received extra money.

Q. How much extra money?—A. That I don't remember.

Q. Can you recollect how you spent this money?—A. I recollect that I spent \$820 on pollmen.

Q. Will you give me the names of the men you paid the \$820 to?—A. No, sir.

Q. Why not?—A. I can't.

Q. You are a lawyer, are you not?—A. I am.

Q. And you were chairman and treasurer of this city campaign?—A. Yes, sir.

Q. And you had been city chairman before?—A. No, sir.

Q. Was this your first year?—A. Yes, sir.

Q. Didn't you know, as a lawyer, that you had to file an account of these things?—A. I did.

Q. Did you file such an account?—A. I did.

Q. In the courthouse?—A. I did. Here is the account. [Witness produces paper.]

Q. Now tell me how you spent that \$820?—A. On pollmen.

Q. Give us the names of some of the pollmen you paid.—A. All right.

MR. LEAHAN. You have the city committee list?

A. John McCall, James Markey—

Q. What did McCall get?—A. \$10.

Q. From what district was he?—A. He is from, I think, the sixth ward. I haven't the districts marked down here.

Q. Go on.—A. James Markey.

Q. Who is he?—A. In the first ward.

Q. How much did you give him?—A. \$15.

Q. Which district is he in?—A. The lower district; the first.

Q. What does he do?—A. He works for the gas company putting in gas stoves.

Q. Go on.—A. Jake Schappert, Democratic city committeeman in the eleventh ward.

Q. What did you give him?—A. \$10.

Q. That is Jake Schappert, the ex-county commissioner; he was the Democratic county commissioner here?—A. He was, and he is an active city committeeman.

Q. Go on.—A. Peter Frey.

Q. What does he do?—A. He is a city committeeman; I don't know what he works at.

Q. Where is he?—A. In the eleventh.

Q. How much did you give him?—A. \$10.

Q. In each instance give the name of the man you paid the money to, the place for which he was paid, the amount, and, if possible, the man's occupation.—A. J. B. Hotchiss, \$10. I can't tell the ward unless I go back over my old city committee list, but he is on the hill; I think he is in the fourteenth.

Q. Are these men all city committeemen that you are giving now?—A. Yes. Charles Gallagher, he is in the first district of the fifteenth ward; he lives on Barney Street, opposite John Donagher; he is a brother-in-law of his; he got \$10. John Mooney.

Q. Who is he?—A. He works for the Times-Ledger and is a city committeeman and a city councilman.

Q. He is a member of the city councils?—A. Yes; he is in the eighth. Ten dollars for M. J. Devine. I can't tell the last name here, but one is George Keller; he signed for these two; he put their names down. R. J. Walsh; he is in the eighth ward; \$10. John Donly, up in the Duck Pond district, sixteenth ward, \$15. B. E. Berry; he is in the sixteenth ward; \$10. William Ott; I think he is in the thirteenth, but I am not sure whether it is the thirteenth or fourteenth; he works in the courthouse.

Q. What does he do in the courthouse?—A. All I have seen him do is to fill the water tanks with ice.

Q. He is employed by the county?—A. Yes; he got \$10. Michael Mellet, \$10.

Q. What does Mellet do?—A. I don't know his occupation; he is city committeeman in the sixth ward. Mart Barrett, \$20.

Q. What official position does he hold?—A. He works around the breakers. I think; I don't know his occupation; I think he is a coal inspector though.

Q. He is a coal inspector for the Lehigh Valley?—A. I don't know; he is a city committeeman, and he has been for years.

Q. Does he hold any city office?—A. He is a city councilman.

Q. You gave the councilman \$20?—A. He was a city committeeman for years.

Q. And because he has been that for years you gave him more?—A. He lived in a strong Democratic district and he needed more there.

Q. Go on.—A. William Sinn.

Q. How much did you pay him?—A. \$20.

Q. Where does he live?—A. I don't know.

Q. Was he a city committeeman?—A. I don't remember him.

Q. I have asked you only to give the names of the city committeemen who got money from you.—A. I have been reading them off.

Q. Where does Sinn live?—A. He must live in the city of Wilkes-Barre.

Q. Is that all that you can say about him?—A. Yes.

Q. Do you know where you paid him?—A. I paid it all in the Democratic headquarters.

Q. Do you know who introduced you to Sinn?—A. I don't.

Q. Where was he to employ watchers?—A. I don't remember.

Q. Didn't you know that he was not a district committeeman?—A. I know he was not.

Q. Now, can you tell where he was to employ these watchers?—A. I don't remember.

Q. Take the next one?—A. Thomas F. Friel.

Q. What does he do?—A. He is a city committeeman and is a clerk for the Lehigh & Wilkes-Barre Coal Co.

Q. He is a clerk in the Lehigh & Wilkes-Barre coal office?—A. Yes.

Q. How much did you pay him?—A. \$10; and he is a city committeeman.

Q. Where was he to work?—A. He is in the thirteenth ward.

Q. Who is the next one?—A. Thomas McManaman.

Q. What does he do?—A. He is a city committeeman. I don't know his occupation. He don't work at all; he is feeble.

Q. How much did he get?—A. \$10.

Q. Where was he to distribute that?—A. In the sixth ward, I think.

Q. Go on.—A. Louis C. Gomers.

Q. Where does he live?—A. Down in your ward, the twelfth.

Q. Which district of the twelfth was he in?—A. I don't remember.

Q. How much did you give him?—A. \$10.

Q. Go on.—A. Thomas McAndrews.

Q. Which district was that for?—A. One district of the second ward.

Q. How much did he get?—A. \$20.

Q. Go on.—A. Thomas Garvey.

Q. How much did you give him?—A. \$10.

Q. Where is he from?—A. I think he is from the East End.

Q. The second ward?—A. Yes.

Q. Go on.—A. John Dunn.

Q. Where does he live?—A. In the sixth or the third. I am not sure which; he is on the hill.

Q. What is his business?—A. I don't know.

Q. Do you know where he was to use that money?—A. I think in the sixth ward. I can tell you by referring.

Q. Go on.—A. E. J. McGinness.

Q. What is his business?—A. I don't know. I don't know whether it is the same Joe McGinness that runs out on the hill.

Q. There is only one that runs a hotel on the hill, isn't there?—A. Yes; but there are more McGinnesses in that ward.

Q. You know the hotel keeper?—A. Yes.

Q. Did you pay him any money?—A. I don't think so.

Q. How much did you pay him?—A. \$10.

Q. In what district?—A. For the district he is in.

Q. He is in the top district of the sixth?—A. Yes.

Q. The sixth ward?—A. Yes.

Q. Who else?—A. Thomas McAndrews, in the fourth district of the third ward.

Q. How much did you pay him?—A. \$10. He is another McAndrews.

Q. Go on.—A. Charles D. Kepner.

Q. What does he do?—A. I don't know.

Q. Do you know him at all?—A. No.

Q. Where does he live?—A. I don't remember him at all.

Q. Well, how much did you pay him?—A. \$10.

Q. Go on.—A. Chris Hauburger.

Q. Which district of the twelfth is he in?—A. I think he is down in that district at Wood Street.

Q. How much did you give him?—A. \$10.

Q. Who is the next?—A. Jos. Gorman.

Q. What does he do?—A. I don't think he works at all. I think he is an invalid.

Q. How much did you give him?—A. \$10.

Q. Go on.—A. James Walsh.

Q. What does he do?—A. He is a laborer and a city committeeman.

Q. Do you know where Gorman was to use his money?—A. In the twelfth ward.

- Q. Where was Walsh to use his money?—A. In the tenth ward.
 Q. How much did he get?—A. \$10.
 Q. That is McLean's own ward?—A. No, sir.
 Q. What does Walsh do?—A. I never met him until the night before election.
 Q. Who is the next man?—A. Frank Garman.
 Q. Are you sure his name is Frank?—A. Frank.
 Q. How much did he get?—A. \$10.
 Q. For what district?—A. I don't remember.
 Q. What did he do?—A. He worked for us on election day.
 Q. He worked for you on election day?—A. Yes.
 Q. Who else did you give money to?—A. Frank G. Schultz.
 Q. What does Garman do?—A. I don't remember.
 Q. Where does Frank Schultz live?—A. In the third district of the thirteenth ward.
 Q. How much did he get?—A. \$10.
 Q. What is his position?—A. Frank Schultz works, I think, for the Susquehanna.
 Q. Isn't he general coal inspector for the Susquehanna Coal Co.?—A. I don't know.
 Q. Who is the next one?—A. Frank Schetzl.
 Q. He is a hotel keeper?—A. I think he is.
 Q. How much did he get?—A. \$10.
 Q. For what district?—A. I think he is in the fourteenth ward.
 Q. Who is the next one?—A. F. Mullin.
 Q. Hotel keeper, isn't he?—A. No.
 Q. Who is he?—A. An insurance agent for the Prudential.
 Q. How much did you give him?—A. \$10.
 Q. What for?—A. Working at the polls and soliciting Democratic votes.
 Q. Working at the polls. Who is the next man? Where was he to work?—
 A. I don't remember where Mullin lives.
 Q. Did you give this man a roving commission?—A. He is a Prudential man; that is his business.
 Q. Who was the next man?—A. Arch J. Hughes.
 Q. How much did you pay him?—A. \$10.
 Q. What for?—A. The fifth ward.
 Q. What was he to do with it?—A. To secure a man or act himself as poll man in the ward; he was a city committeeman.
 Q. Who else?—A. Frank Gallagher.
 Q. Where did he live?—A. Either in the third or sixth; I think the third.
 Q. How much did you pay him?—A. \$10.
 Q. What for?—A. Poll man; he was a city committeeman.
 Q. It wasn't for city committeeman; what ward is he in?—A. In the third ward.
 Q. Which district of the third?—A. I don't remember.
 Q. Didn't you keep a separate list of your city committeemen?—A. I think they signed as they received the money.
 Q. Have you a separate list showing the moneys you paid to the district committeemen?—A. I have not.
 Q. Did you use at the time a separate list in which—did you say that you had a separate list at any time since you were on the stand?—A. I think not.
 Q. Do you say you had?—A. No.
 Q. As district chairman you certainly have a list of your district chairmen?—
 A. I have.
 Q. Where is it?—A. I have it here.
 Q. A separate and distinct list of city committeemen?—A. The city committeemen.
 Q. Where is it?—A. In here in my pocket.
 Q. Let me see it.
 (Witness produces paper.)
 Q. Look at your list and tell me whether the last man you said you paid money to is City Committeeman Frank Gallagher?—A. The first district of the third ward substituted in place of Capt. George Dreher.
 Q. Who is the next man that you paid money to?—A. It looks like Jake Leisman, \$5.
 Q. Do you know him?—A. No.
 Q. Where was he to work?—A. I don't remember.

Q. You paid him the money in person?—A. I paid him the money the night before election.

Q. Who is the next man?—A. John P. Thomas.

Q. That is a well-known Democratic name in this community?—A. It is a well-known Republican name.

Q. John P. Thomas is a Republican, isn't he?—A. He is.

Q. How much did you give him?—A. \$5.

Q. What was he to do for that?—A. Get some Democratic votes.

Q. This Republican was to get Democratic votes?—A. Yes.

Q. Did he agree to vote the Democratic ticket?—A. I don't remember of him promising me that.

Q. Why did you pay this money to a Republican to get Democratic votes?—A. To get Democratic votes.

Q. Why didn't you pay it to a Democrat to get Democratic votes?—A. That is part of the province of a district chairman.

Q. That is a part of the province of a district chairman, is it?—A. To get men that can capture votes in that way.

Q. How long have you known John P. Thomas?—A. About six months.

Q. He was to get men that could bring votes to your party?—A. Yes.

Q. What kind of votes to your party?—A. Democratic.

Q. They are in your party?—A. Men to vote the Democratic ticket.

Q. You said a minute ago that you got him to bring votes to your party?—A. Yes; to our party.

Q. Who told you that he would be a good man to get Democratic votes for you, this well known Republican?—A. He came himself.

Q. Where was this Welsh Republican to get Democratic votes?—A. I think the fifth district of the fourteenth ward.

Q. Who is the next man?—A. John Rittenmyer.

Q. Where was he?—A. In the eleventh ward.

Q. How much did he get?—A. \$10.

Q. Who is the next one?—A. James J. McGrath.

Q. What does he do?—A. I don't know.

Q. Was he a committeeman?—A. No.

Q. How much did you pay him?—A. \$10.

Q. Who was the next man?—A. C. J. Marley.

Q. He lives in the East End?—A. No; I think this Marley lives on the hill.

Q. In the sixth ward?—A. I don't know.

Q. What did you pay him money for?—A. To work on election day.

Q. How much did you pay him?—A. \$10.

Q. Just for himself?—A. No, he was to hire another man.

Q. All the men that you gave \$10 to were to hire another man?—A. No.

Q. Can you recollect \$10 that you paid to anyone who was to use the \$10 exclusively for themselves?—A. I don't think I can.

Q. But some you did give \$10 for themselves?—A. Yes.

Q. Why did you discriminate between them?—A. Because I knew them.

Q. Give me the name of a man whom you knew that you gave \$10 to because you knew him?—A. Martin Barrett, at the East End.

Q. You gave him \$20 because you knew him?—A. Yes; \$10 for himself and \$10 to the other.

Q. He was a Welshman?—A. Yes.

Q. Why did you give these men \$10 and the others \$5?—A. Because he delivers the vote.

Q. He delivers does he?—A. Yes.

Q. Who is the next man?—A. Martin Constine.

Q. Is he one of the merchants? A. No; he is a sixteenth ward man.

Q. What did he do?—A. He works in the mines.

Q. How much did he get?—A. \$10.

Q. What was he to use that for?—A. City committeeman.

Q. Who is the next one? —A. Thomas Finerty.

Q. What was he to do?—A. City committeeman.

Q. How much did he get?—A. \$15.

Q. Where?—A. In the thirteenth ward, the fifth district of the thirteenth ward.

Q. Where else and who else?—A. H. C. Bound and Tom B. Bower, \$5.

Q. Where does he live?—A. I don't remember.

Q. Who is he?—A. I don't know.

Q. What was he to do?—A. I can't tell.

- Q. Is he a Republican or a Democrat?—A. I can't tell.
 Q. Who is the next man?—A. Anthony Bernakalevich.
 Q. How much did you give him?—A. \$10.
 Q. Was he a district committeeman?—A. No; he solicited that before election.
 Q. What do you mean by solicited?—A. Came and asked for it.
 Q. He came and asked for \$10?—A. Yes.
 Q. Did you know him before he came to you?—A. I did.
 Q. How long have you known him?—A. About a year.
 Q. What is his business?—A. I don't know his business, but he is considered a sort of a prominent man among the foreign element in the thirteenth ward.
 Q. He came to you and asked you for the money?—A. Yes.
 Q. How much did he ask you for?—A. I think it was \$20.
 Q. And you compromised on \$10?—A. Yes.
 Q. Why didn't you give him the \$20?—A. I personally didn't think he was worth it.
 Q. But you thought he was worth \$10?—A. I consulted with some of the men and gave him the \$10.
 Q. You agreed that he was worth \$10?—A. Yes.
 Q. Could he deliver the goods too?—A. By delivering I mean a man who worked hard at the polls and got the vote out.
 Q. That is what you mean?—A. Yes.
 Q. I am glad you got it on the record. It appeared on our side of the case, and I am glad to know what it means. Who else?—A. Frank Andes.
 Q. Where did he live?—A. I think in the fourth ward.
 Q. How much did you pay him?—A. \$10.
 Q. For himself?—A. I think so.
 Q. He did work at the polls, did he?—A. He had a horse and carriage.
 Q. Then he wasn't working in one ward, was he?—A. The fourteenth ward; yes, sir.
 Q. The whole ward?—A. The whole ward.
 Q. Who was the next man?—A. Thomas J. Davis.
 Q. That is a well-known Democratic name too, isn't it?—A. Yes.
 Q. Thomas J. Davis?—A. He is out in the fifth district of the thirteenth ward.
 Q. How long have you known him?—A. I never knew him until I was appointed city chairman.
 Q. He is a Republican?—A. That I don't know.
 Q. You have an opinion in the matter, haven't you?—A. I don't know whether he is a Republican or a Democrat.
 Q. What do you think?—A. I don't know.
 Q. Don't you know that he is a Republican?—A. We have got Davises in the Knights of Columbus.
 Q. Are they all Democrats?—A. No.
 Q. Tell me, don't you know that Thomas Davis is not a Democrat?—A. I don't know.
 Q. How did you come to know him, how did you meet him?—A. He came to headquarters.
 Q. Did you ask him if he was a Democrat?—A. No; he was brought by a Democrat.
 Q. Who was the Democrat that brought him?—A. McDade.
 Q. What is his first name?—A. I have forgotten, but he is in business in the thirteenth ward.
 Q. Davis was to work at the polls, was he?—A. Davis was to work at the polls.
 Q. How much did he get? Did he get \$5?—A. No; Davis got \$10.
 Q. Davis got \$10, did he?—A. Yes.
 Q. Isn't it a fact that you paid this man \$10 because he is a Republican worker and he could only get \$5 from them?—A. No.
 Q. Don't you know in a general way that the Davises throughout this town are Welsh Republicans?—A. I know in a general way that all the Welsh are Republicans.
 Q. And in a general way you know that all the Davises are Welsh?—A. The majority of them are, yes.
 Q. Then you know in a general way that the Davises are Welsh Republicans?—A. That is a logical conclusion, yes.

Q. And you suspected that when he was brought to you?—A. I couldn't prove that.

Q. Didn't it occur to you as strange that a man named Davis was coming to you to get money?—A. No.

Q. Who is the next man?—A. L. H. Atherholt.

Q. How much did you pay him?—A. \$10.

Q. Where does he live?—A. In the fourth ward.

Q. Is he a city committeeman?—A. No.

Q. What was he to do with the \$10?—A. Work in the fourth.

Q. Is he a Democrat?—A. He is.

Q. How long have you known him?—Eight years.

Q. What does he do?—A. Driller.

Q. For whom?—A. A man in West Pittston; I don't know; a diamond driller.

Q. Murhead?—A. Yes

Q. Who is the next?—A. It is signed J. Higgins; I don't remember him at all.

Q. How much did he get?—A. \$5.

Q. Who is the next?—A. Harold Connroy.

Q. How much did you pay him?—A. \$10.

Q. For what?—A. Work at the polls.

Q. Where?—A. He lived in the hill wards, but moved to the fourth since that time, and he was a general worker for the day.

Q. He was to work generally throughout the city?—A. Yes.

Q. Who was the next man?—A. J. B. McDonald.

Q. How much did you pay him?—A. \$10.

Q. For what?—A. He was a poll man working in the axle works.

Q. At what poll did he work?—A. Out in the fourteenth, but I don't remember the poll; the other side of the railroad.

Q. Does he work at the axle works and live in the fourteenth ward?—A. He did.

Q. Who is the next man?—A. James H. Heery.

Q. What did you pay him?—A. \$10.

Q. For what purpose?—A. Working on election day.

Q. Where?—A. At the East End.

Q. In the second ward that is?—A. The second ward.

Q. Who is the next man?—A. John Toole.

Q. How much did you pay him?—A. \$10.

Q. For what purpose?—A. Poll man.

Q. Where?—A. In the second ward.

Q. Who is the next man?—A. M. P. Toomey.

Q. How much did you pay him?—A. \$10.

Q. He worked where?—A. I marked that down as poll men money, but he received \$3 for clerical work on election day and \$7 additional.

Q. What was the \$7 for?—A. Work in the eighth ward.

Q. Do you know what he does?—A. Well, nothing now. He used to work for the Times-Leader.

Q. Who is the next man?—A. F. A. Butler.

Q. Who is he?—A. My brother.

Q. What does he do?—A. He done work in the fifteenth ward.

Q. How much did he get?—A. \$15.

Q. Who is the next?—A. M. Murray.

Q. Martin Murray?—A. No; I don't think so; it is M. Murray here.

Q. How much did you give him?—A. \$10. Election day work.

Q. Where did he work?—A. I don't remember.

Q. Go on.—A. B. Clements.

Q. How much did you give him?—A. \$10.

Q. Who is he?—A. He is a son of the butter man.

Q. Where was he working?—A. In his ward, but I have forgotten what ward he was in.

Q. Do you know what part of town he lives in?—A. I think he lives about South Street hill, there.

Q. In the ninth ward?—A. Yes.

Q. Who is the next one?—A. There is another Thomas McAndrews here.

Q. How much did you pay him?—A. \$10.

Q. Where was he?—A. I don't remember where.

Q. Wasn't he from the East End?—A. No; I don't remember that.

Q. Who is the next man?—A. H. F. Gregory.

Q. Where did he live?—A. In the second district of the fifteenth.

Q. How much did you pay him?—A. \$10.

Q. You will turn the ward Democratic if you keep on pouring money in there?—A. I turned the district.

Q. How much?—A. \$10.

Q. Tell me the next man you had.—A. T. J. Whalen.

Q. What does he do?—A. He is a plumber.

Q. How much did you pay him?—A. \$10.

Q. To work where?—A. In the city.

Q. In what part of the town?—A. He worked generally that day; he had no particular place.

Q. Where was he to work?—A. Over the city generally.

Q. What do you mean when a man is working generally over the city?—A. Fellows like Tom Whalen, who were well known and well liked by all the young men.

Q. What was he to do?—A. To go around through the different wards in the city on election day and if he met a friend get him out and have him vote if he has not already voted.

Q. Did he have any cigars with him?—A. No, unless he purchased them himself.

Q. Of course you didn't expect him to, out of \$10?—A. It is not generally the habit.

Q. Who is the next man?—A. Fred Huline.

Q. How much did you pay him?—A. \$5.

Q. Where was he to work?—A. In the fourth ward.

Q. Who is the next man?—A. There are two more I didn't read off from the first, Joseph H. Poad.

Q. How much did you give him?—A. \$10.

Q. From what district?—A. I don't remember; it is in the second or third district of the sixteenth ward. This is the Poad that has the store in the sixteenth ward. No; I am wrong; that is in the first ward.

Q. This Joseph H. Poad was to work in the sixteenth ward of the city of Wilkes-Barre?—A. He was.

Q. He is a brother of William Poad?—A. I think he is.

Q. And he is a well-known Republican?—A. I know so; yes.

Q. And he works for Kirkendall who owns the Times-Leader?—A. Joseph?

Q. Yes; he is a salesman for Kirkendall & Sons?—A. I don't know that.

Q. Who is the next man that you paid money to?—A. Griff Pritchard.

Q. You know he is a Republican?—A. Yes, I know it.

Q. How much did you pay him?—A. \$10.

Q. These two names appear first in your list, don't they?—A. Yes.

Q. Why didn't you give them to me in their order?—A. Well, I don't know why.

Q. Wasn't it because they were Republicans and you knew it?—A. No; because I hired them.

Q. Can you give me any reason for excepting these two?—A. No; my paper was turned that when we started and I started with McCall whose name appeared where the break is.

Q. How did you come to get Poad as a watcher?—A. He was recommended.

Q. By whom?—A. Koseck.

Q. He is a councilman?—A. Yes, and also I will say that Mr. Pritchard was recommended by Koseck.

Q. And they each got \$10 for themselves for working at the polls?—A. Yes; they each got \$10 for themselves.

Q. That amounts to only \$615.—A. That amounts to \$740.

Q. Figure it up?—A. You figure it up.

Q. I have.—A. Figure it again, I will read it to you.

Q. Is that all the money you spent?—A. I spent \$740 the day before election.

Q. And you have accounted here for \$740 of these moneys, have you?—A. I think I have, unless I missed some.

Q. Look over your list and see if you recollect any you missed. Look them over and see if you can recollect any that you did not read out, like Poad and Pritchard.—A. If you take the paper I will read the names.

Q. Let me see your paper.—A. I will be advised as to that, I will give it willingly. [Witness hands list of names to counsel for contestee.]

Mr. LENAHAN. Note on the record that the paper containing the names of all the parties to whom money was paid is handed to the counsel for contestee.

Q. Did you read off to me the name of Joseph Kraft, \$20?—A. I don't remember.

Q. You did not, but it is on here?—A. He is city committeeman in the first district of the first ward or in the second district, I am not sure which. He is in the first ward.

Q. You didn't read the name of E. F. Bogert, \$10. Who is he?—A. Freas Bogert, in the fifth ward.

Q. How did you come to skip so important a man as Freas Bogert?—A. I don't know, I thought I read them all to you.

Q. What does he do?—A. I don't know whether he is doing anything else now.

Q. What was he to do on the day of election?—A. He is a city committeeman.

Q. Fred Baab, \$10; you didn't read his name, who is he?—A. He is the son of Frank Baab and he distributed notices. I paid him and credited him as a poll man, but he distributed notices, too.

Q. I see that you have a young man on here by the name of Joseph Norman?—A. I don't think so. I don't think that is Joseph Norman, that on there is Joseph Gorman.

Q. Now, we have gone over that list and find that the amounts expended by you for poll men, as shown by your list, amounts to \$855.—A. Then you don't know how to figure.

Q. Then you take that and figure. Mr. Ramsey and I agree.

A. Then you don't know how to figure, I say there is \$740 and if you dispute it, there is the paper, I will give you the names and you can figure it.

Q. You have some on the list that you overlooked before?—A. Bower Grant.

Q. How much did you pay him?—A. \$10.

Q. For what purpose?—A. As a poll man.

Q. Where?—A. I don't remember.

Q. Do you know him personally?—A. No; I don't.

Q. You have the name on there of Patrick Kittrick; how much did you pay him?—A. \$5.

Q. Where was he?—A. He is in the Hill wards, but I have forgotten the ward.

Q. For polling purposes?—A. Yes; he was a poll man.

Q. You have the name there of William Haley; how much did you pay him?—A. \$5.

Q. Where did he work?—A. I paid him \$5 for tacking notices around the city.

Q. You have William T. Ryan there; how much did he get?—A. \$5.

Q. Where?—A. In the fifteenth.

Q. Which district of the fifteenth?—A. The first district.

Q. For what purpose?—A. To hire poll men in the fifteenth ward.

Q. You have a man named W. J. Hawley; who is he?—A. He is in the north end of the city. I don't know whether it is the first or the sixteenth ward.

Q. How much did you pay him?—A. \$20.

Q. What for?—A. To hire poll men in the upper end of the city there—in the sixteenth and first wards.

Q. You have a man named William Dugan?—A. Yes; he is in the second ward.

Q. How much did you pay him?—A. \$10.

Q. You have a man named F. Zimmerman; how much did he get?—A. \$5.

Q. What ward was he in?—A. In the eleventh ward, I think; he is a German.

Q. Here is another, W. H. Clements; how much did he get?—A. \$10.

Q. Who are they?—A. Sons of the butter man.

Q. Are they Republicans?—A. They are not.

Q. In checking up your list now, it seems when you read over the list to me, having the list before you, you have omitted the names of 11 men who received a total of \$125. Did you do that purposely, avoiding the reading of their names, or was it a mistake?—A. It was a mistake.

Q. It was an oversight in each of the 11 cases?—A. Yes.

Q. That amounts to \$740?—A. Yes.

Q. What did you do with the other \$80?—A. On the morning of election day I had \$80 in cash.

Q. What did you do with it?—A. At the end of the day it was gone.

Q. What did you do with it?—A. I paid, as I remember, Frank Andes an additional \$5.

Q. Where was he working?—A. He is a man who had the horses in the fourteenth ward; and I paid a man named McDade.

Q. He is the man who brought Davis to you?—A. Yes.

Q. Why didn't you pay him the night he brought Davis?—A. That was for an additional man.

Q. Who was the man?—A. I couldn't tell you.

Q. Was it another Davis?—A. He didn't look like a Welshman.

Q. Was he another Republican?—A. I couldn't tell.

Q. You didn't ask McDade who the man was?—A. No; I have confidence in the politics of McDade.

Q. What time did you pay him this money?—A. I was up there in the morning.

Q. After the polls opened and you paid him the money at the polls?—A. No; up by the blacksmith shop.

Q. You know the man's name?—A. No.

Q. You mean McDade's shop?—A. McDade is the man that runs the shop.

Q. Go on.—A. Then I remember a German in the second district of the fifteenth. He was recommended by McHenry who is down there on Barney Street.

Q. The merchant?—A. Yes.

Q. Who is the next one?—A. I don't remember.

Q. How much did you give to the German?—A. I think \$5.

Q. That leaves \$65. What did you do with the rest?—A. I can't tell you.

Q. Can't you give us any idea?—A. No.

Q. You said that you had \$80 on election morning in cash?—A. Yes.

Q. And that night you had none of it?—A. No.

Q. How much of your own did you have? A substantial sum?—A. I had, and I made a note of it when I started out in the morning.

Q. You are sure now that on the morning of election day you had \$80?—A. I am positive.

Q. And you are just as positive that that night when you got home you had none of that \$80 left?—A. I didn't go home that night.

Q. Had you spent the \$80 when the polls closed?—A. Yes.

Q. Then when the polls closed you hadn't any of it?—A. I hadn't a cent except 80 cents.

Q. Can't you recollect how you spent it?—A. No.

Q. Had you bought any cigars?—A. No.

Q. Had you bought any beer?—A. I don't drink.

Q. Did you buy any for anybody else?—A. I didn't. I don't make a habit of it.

Q. I am not asking you about your habits. I asked you about election day.—A. No.

Q. As an intelligent man you want it to go into this record that while you are sure you had \$80 on election morning, you can't account for how you distributed \$65?—A. I can account for it. In this respect, that I know I paid the balance out to poll men and that is all that I can remember, but I can't remember to whom I paid it.

Q. Why didn't you keep a precise account of it?—A. I had no papers with me.

Q. Didn't you have your list of committeemen with you?—A. No.

Q. You knew who the committeemen were when you went to the poll. How did you know that?—A. From seeing them coming to the city committee meetings.

Q. You knew every man by sight, did you?—A. Most of them.

Q. You won't even venture to tell us how you spent this \$65?—A. No; I can't remember.

Q. Do you know Morris Schults?—A. No.

Q. He is the foreman for the Stegmaier Brewing Co.'s bottling works.—A. No; I don't know him at all.

Q. Was any of this \$140 spent on registration day paid to the city treasurer of this city?—A. No; not one cent.

Q. Did you receive any other moneys from McLean?—A. Not a cent, except previous to being city chairman.

Q. How much did you receive?—A. I have forgotten, but I think it was over \$30.

Q. \$34.95?—A. Something like that.

Q. That was for preparing poll books.—A. Yes; before I was appointed city chairman.

Q. That was clerical work.—A. Clerical work; yes, sir.

Q. I don't mean for anything of that kind.—A. I didn't receive it after I was appointed. I gave Mr. McLean a receipt for it. That was received before I was appointed.

Q. These poll men whom you appointed and employed were working for the Democratic ticket?—A. The entire ticket.

Q. And the money that was contributed by Stack and Weitzel was used as well for Mr. McLean as for themselves?—A. For the Democratic ticket were my instructions.

Q. How much money did you receive from each of these men?—A. I received \$50 apiece previous to the registration day, and \$100 apiece the day before the election.

Q. Then, of this money you paid for poll men in this city, \$300, you got from other sources than from McLean.—A. Yes.

Q. And it was used in behalf of?—A. In behalf of the Democratic ticket.

Q. The poll men were instructed to watch for McLean as well as anybody else?—A. I had tickets printed with the three men's pictures on it, and with specific instructions to work for the Democratic ticket.

Q. How much money did you have altogether?—A. \$1,000.

Cross-examination by Mr. LENAHAN:

Q. The instructions to the poll men by you was that they should work for the whole Democratic ticket, the State, county, and congressional?—A. Positively.

Q. And no specific instructions were given to work for any particular candidate, isn't that right?—A. Before any man left the Democratic headquarters the night before election, they were instructed that they must work for the entire ticket, and were told who constituted the ticket, and were given tickets with the pictures of the three men on.

Q. And were they also instructed to vote and support and do what they could for the State ticket as well?—A. Yes.

Q. By you that night? This was a meeting of the Democrats, and the city committee as well as lots of leading Democrats were there at the Democratic headquarters. The entire city committee were there, wasn't it?—A. It was crowded.

Q. And the different committeemen came up and received their money to procure poll men or to act as poll men themselves, or for the other men who were to be procured as poll men, and as they got their money they signed a receipt for the moneys that they received from you?—A. They did.

Q. And it was from that list of receipts that you read the names of the persons who were to act as poll men, as well as the amounts paid them for acting as poll men; that is the data you had in giving your testimony here?—A. Yes.

Q. And when you got through giving the names you handed the list over to Mr. Jones, counsel for the contestee, to examine?—A. I did.

Q. And from that he made the discovery that you had omitted to read some names, after he had gone over the list of names himself. That is right, isn't it?—A. Yes.

Q. And you filed your account as chairman and treasurer of the city committee in compliance with the law?—A. I did.

Q. And that account or a copy of it is here now?—A. I presented it there.

Q. And this statement that you have given in evidence corresponds with the same?—A. With the exception that I accounted for \$740, and there was \$820 I paid to poll men. I know I paid it as poll money, but I don't remember who it was paid to.

Redirect examination by Mr. JONES:

Q. Why didn't you tell me a little while ago that you paid it as poll money?—A. I told you so.

Q. Haven't you told me?—

Mr. LENAHAN. I insist on the testimony being read, that he said he paid it for poll men but he couldn't remember the names.

Q. Before you read that to him I want to ask him a question. Didn't you say to me and isn't it in this record that you did not know how you spent the \$65?—A. No; I don't think I did.

(Previous testimony of witness read.)

A. I meant I couldn't tell whom I gave the money to, but I knew it was given to poll men.

Q. I show you, Mr. Butler, a file from the office of the clerk of the courts of this county, and ask you if that is the account you filed?—A. Yes, sir.

Q. Is that your signature at the bottom of it?—A. Yes.

Q. Who made this out—A. I think my sister.

Q. At your dictation?—A. I think so.

Q. At the end of this account, and just above your signature is this: "I hereby certify that each individual payment has been under \$10, and therefore no receipts are herewith filed." Is that your certificate?—A. Yes, sir.

Q. Let me see that paper from which you paid this money.—A. There is \$20 and \$15 on there.

Q. How do you reconcile that certificate with the testimony you have given that some men received \$15 and \$20?—A. By the fact that no man left my headquarters who was to retain as his own more than \$10. No man left headquarters with more than \$10 without specific instructions that if it were more than \$10, \$10 only belonged to him and he should hire others with the remainder.

Q. Let me see that paper again. You say in this certificate: "I hereby certify that each individual payment has been under \$10 and therefore no receipts have been filed." Didn't you at that time have receipts showing the payment of \$15 and \$20?—A. I had, and I still think I am within the law.

Mr. GEORGE BUSS, called on behalf of the contestee, and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. What official position did you hold at the last election with reference to the Democratic Party?—A. I kind of looked out for George McLean's interests.

Q. Did you have any official position? Were you a district chairman?—A. I kind of looked after the upper district.

Q. Were you district chairman?—A. There were no chairmen up there.

Q. Were you district chairman?—A. You can call it that, but I don't know.

Q. Were you district chairman?—A. I don't know.

Q. You don't know even if you were district chairman?—A. I know I had the upper district to look after, but I don't know whether you call it the district chairman.

Q. What district was that?—A. The fourth legislative, I believe.

Q. Don't you know what legislative district it was in?—A. I know it used to be the third, but I believe now it is the fourth.

Q. It used to be the third, but is now the fourth?—A. I believe so.

Q. As a matter of fact it used to be the fifth and is now the third.—A. Probably so.

Q. How much money did you receive on behalf of McLean?—A. \$500.27.

Q. How did you receive that?—A. I received at one time \$250 and at another time \$250 and at another time \$20.27.

Q. Then you received \$520.27? When did you receive the first money from McLean?—A. I don't know just the date.

Q. How long before the election?—A. Probably a week.

Q. Was that the first money that you received? That was the first \$250 check?—A. Yes.

Q. Did you receive it in a check or in cash?—A. I believe it was a check.

Q. When was the next check received by you?—A. The day before the election.

Q. How much was that?—A. \$250.

Q. When did you receive the \$20.27?—A. When I closed my account with him.

Q. How long was that after the election?—A. Probably a week or a week and a half—about 10 days, or possibly two weeks.

Q. What was the first use that you made of any money given you by McLean?—A. Well, I had spent some money before I got any from McLean.

Q. You had spent some money?—A. Yes.

Q. How much had you spent?—A. I couldn't say how much I spent, but I took it out of the money I got.

Q. How did you know how much to take out, if you didn't know how much you spent?—A. I have an account of everything I spent.

Q. Have you the original account?—A. Yes.

Q. Did you file an account in the courthouse?—A. I didn't have to, as McLean filed the account of the moneys that I gave him.

Q. He filed that for you?—A. Yes.

Q. Have you any account with you showing what your first expenditures was for McLean?—A. Yes.

Q. Let me see it.

(Witness produces papers and submits same to counsel for contestee.)

Q. You were to look after the district in which you reside for McLean?—

A. Yes.

Q. The district in which the city of Pittston is located?—A. Yes.

Q. You have produced here a typewritten statement consisting of two pages and marked "Expenses in the George McLean campaign"?—A. Yes.

Q. Who prepared that statement?—A. I did.

Q. Who did the typewriting?—A. My girl did.

Q. And it was prepared from what data?—A. From my books.

Q. Memoranda, etc. Have you that original memoranda here?—A. I have the books here.

Q. You have the books from which you prepared this account?—A. Yes.

Q. Now the first expenditure shown here is October 18, \$1 for tacking up cards.—A. I wish to say to you that the money was not expended on the day that it is marked here. For instance, I was away from my business a great deal and only charged it on that date while I had it in my memory.

Q. Tell me the amount of money that you spent for George McLean up to November 5.—A. All this was spent.

Q. Before November 5?—A. November 8. The 8th was election day.

Q. When you say that you got money from McLean, you mean William S. McLean, Jr.?—A. Yes; I suppose that William S. McLean, Jr., signed the checks that I received.

Q. So that any time when you refer to money received from McLean if you mean George McLean say so, and if not we will understand that you mean William McLean?—A. Yes.

Q. This statement you have submitted shows "Received from George R. McLean, November 5, by check, \$250."—A. Yes; but I believe the check was given to me before that.

Q. And the next entry is November 10, a check for \$250.—A. I believe that check was given the day before election.

Q. Why didn't you put that down on the day you received it?—A. I didn't go home; I was busy electioneering.

Q. You spent all your time practically for McLean for several weeks or a month?—A. Yes.

Q. You and Mr. McLean are close personal friends?—A. Yes.

Q. How much of this money was spent before registration day, October 28?—A. I received—I asked for \$100 for registration day, but I didn't spend that \$100 for registration day and I would have returned the money only for some trouble which I run across on election day, crookedness on the part of some Democrats I had hired and who were rebought by the Republican Party.

Q. They were rebought?—A. Well, they were bought over.

Q. Yes; they were bought over?—A. Well, you know how I mean, all right.

Q. They didn't stay bought on your side?—A. I only hired them at so much as poll men, and I used some of that money then to hire more watchers.

Q. When did you get the \$100, the night before election?—A. Why, probably only a week or so. I hadn't asked before. I put the money in. It was understood between George McLean and I—when we first started out George said, "Whatever money you spend in my behalf keep an account of it, because you have to file an account," and I told him that I would. That is before he got sick.

Q. How did you get the \$100?—A. It was given to me with the \$250.

Q. Was that part of the \$250?—A. Yes.

Q. Which one?—A. The first check.

Q. Did you use that \$100 for registration purposes?—A. I didn't, because I used some of that money on that day to buy more watchers on election day, or else I would have returned it.

Q. So you bought some watchers on election day?—A. I had to get more watchers.

Q. Where did you employ these watchers?—A. The list is there.

Q. One of your items is \$45 to Feltes for poll men in West Pittston?—A. I gave him \$45. He was supposed to hire the watchers in West Pittston. I left that entirely to him.

Q. Who is he?—A. He used to be a business man, and he has stock in an iron mine.

Q. Is he a Republican?—A. No; I don't think so.

Q. Then he is a Democrat?—A. Yes; I think so.

Q. He was to engage the poll men in West Pittston?—A. Yes.

Q. Is that in your district?—A. No; but I had the upper district. You have got it there.

Q. Will you tell me what part of the county you were to look after?—A. The upper end.

Q. What does that include?—A. From Wilkes-Barre up on the other side of the river.

Q. That takes in the borough of Wyoming, and Exeter, and Forty-Fort, and Dorranceton, and Kingston?—A. Yes.

Q. And Dallas?—A. Yes.

Q. And Lehman?—A. Yes.

Q. And West Pittston?—A. Yes.

Q. And on the east side of the river it would take in Plains, and Parsons, and Miners' Mills, and Pittston, and Pittston township?—A. Yes; and Avoca, and Duryea, and all those.

Q. The west side of the river took in Duryea?—A. That is on the east side.

Q. Now, how much money did you use for watchers in Plains Township?—A. None.

Q. Why not?—A. William McLean told me that he would take care of that just before election, and he did.

Q. He told you that?—A. Yes.

Q. How much money did you spend in Parsons Borough?—A. \$30.

Q. Do you remember who you gave that to?—A. I got Kinney to get me four men there—one is Houser; Kinney hired four men in Parsons and Judge got two, not in that district—Corrigan and Miller, I think they were.

Q. Then you gave Kinney \$20?—A. Yes; and I have the names, too; one was Houser and one was Thomas.

Q. Houser works on the street car?—A. I don't know whether he does or not.

Q. He used to be a hotel man?—A. I don't know whether it was him or his father. I know his brother well, but I don't know whether I know Houser at all.

Q. Who is Thomas?—A. I don't know his first name; he lives on the left-hand side, pretty well out there.

Q. What does he do?—A. I don't know; Kinney hired this man.

Q. He is the superintendent of the Parsons Electric Light Co.?—A. No.

Q. He is the fellow called "Tub" Thomas?—A. I don't know; I didn't hire the men down there; Kinney hired them in Parsons.

Q. Who did you pay the other \$10 to?—A. Jim Judge, to pay out to Kerri-gan and Miller.

Q. Then, Jim Judge got \$10 from you?—A. For these two poll men.

Q. He is the same man who was on the stand this morning?—A. Yes; for these two men.

Q. Did he get any other money from you?—A. No.

Q. Who employed the watchers in Miners Mills for you?—A. I don't know who looked after that.

Q. You didn't look after Miners Mills?—A. No; I was down there, but I didn't electioneer and I didn't hire any of the watchers. I guess McLean had some one there.

Q. What do you mean by electioneering?—A. I went down to see some friends; I used to know Finn pretty well.

Q. What does he do?—A. He keeps a hotel.

Q. How many hotels were you in there?—A. That is all.

Q. Did you buy drink there?—A. Yes; I guess I did.

Q. Did you buy a drink for the boys?—A. I guess I did; I usually do.

Q. You are a spender yourself?—A. Yes; and I went in the front door, not like some other people who went in the back doors. I done it openly and will account for it.

Q. Where do you account for the money you spent for drinks?—A. In the expenses there.

Q. Look at this account and show me?—A. I don't know whether I spent any of McLean's money at all there.

Q. What did you mean by saying that you had spent money for drinks and would account for it?—A. If I spent money for drinks, some of it might have come out of McLean's.

Q. You did spend some of your own money in going around?—A. I think so.

Q. And you asked the boys to have a drink on McLean?—A. No; I don't think I did.

Q. Isn't that what you spent the money for?—A. No; I didn't tell them what business I am in.

Q. You didn't tell them?—A. They knew likely what I was there to do business for.

Q. And how did they know?—A. I suppose they knew I was mixed up in this affair.

Q. How would the men in Miners Mills know that?—A. The Finn boys would know because I spoke to them.

Q. Do you mean to say that when you went into a saloon you didn't tell the men in whose interest you were campaigning?—A. I didn't go in any saloon to buy drinks for them.

Q. You went in there to see the saloon keeper?—A. Yes, if I knew him; but I wouldn't go there to make a canvass from man to man.

Q. But you went into the saloons where you knew the men were?—A. Yes.

Q. And you knew a good many?—A. Yes.

Q. And in those places you naturally found men drinking?—A. Yes.

Q. And you bought drink for them?—A. Yes.

Q. And you bought it because you were engagd in McLean's campaign?—A. Yes.

Q. And you told the men that you were handling his campaign?—A. I didn't say that.

Q. They knew it before you went in?—A. They probably did.

Q. How much money did you spend for drinks?—A. I don't know just how much.

Q. Did you employ watchers in Pittston City? A. I got Roscoe Keating to employ them and I paid him. In Cork Lane I got Roscoe Keating.

Q. How many polling places are there?—A. Four; one in Brownstown, one in Tannery, and one at Dupont.

Q. You don't mean that Dupont is the same place as Cork Lane?—A. It is all Cork Lane to me.

Q. What you mean by that is this, that these four places are in Pittston Township, and Cork Lane is one of the voting places there?—A. Yes.

Q. You gave some money to Roscoe Keating?—A. Yes.

Q. What is his first name?—A. Squire Keating.

Q. What is his first name?—A. Roscoe, I guess.

Q. His right name is Edward Keating, isn't it?—A. Yes.

Q. And he is called Roscoe after Roscoe Conkling by reason of his great eminence up there?—A. Not as I heard.

Q. You know that he is the boss of Pittston Township?—A. Yes.

Q. That is a great Democratic center?—A. Only at times; it wasn't this time.

Q. Didn't Keating deliver as he promised to?—A. Keating done fair enough.

Q. What do you mean by that? How much majority did he promise you up there?—A. Eight or nine hundred.

Q. And you didn't get it, did you?—A. No.

Q. And you went for Keating after the election, didn't you?—A. Yes; I followed Bowman up. He was there that night himself about 3 o'clock.

Q. You don't mean Bowman himself?—A. Yes; he was there and I can prove it. He was there and I know the fellow who saw him getting in the automobile.

Mr. WM. BOWMAN. You are a liar.

Mr. LENAHAN. We insist that this talk of Mr. Bowman's, the son, is outrageous. He is only permitted to participate as a matter of courtesy; he is not a member of this bar, and we say that for this young man to stand up and with the table between him and the witness to call him opprobrious names, when the witness has no chance of defending himself, we say it is wrong.

A. If I am mistaken, I stand corrected; but I was informed that he was there, and I took an oath to tell the truth.

Q. You don't mean that of your own knowledge that you were following Bowman up that night?—A. No; I didn't see him that night.

Q. Somebody told you?—A. More than one man. A man who was there with him told me.

Q. Who told you that was with him?—A. Charley Smith.

Q. He told you that he was up there?—A. Yes.

Q. Where did you see Keating after the election?—A. I seen him that night.

Q. What time that night?—A. About 2 o'clock or so.

Q. How much money did Keating have of yours?—A. \$60.

Q. For how many districts?—A. Four districts.

Q. Did he give you any of that money back?—A. No.

Q. What does this entry in your account mean: November 1, 1910, by check of \$10 Squire Keating returned on advance to McLean?—A. McLean, Keating, and myself were out in an automobile and distributed cards and we went to Cork Lane, Brownstown, Avoca, Duryea, and Pittson, and I borrowed \$10 from Squire Keating and gave it to George McLean, and he paid me back afterwards.

Q. On the trip?—A. No; by check the next day, and I just put it in my account of the trip.

Q. Then you mean that you repaid Squire Keating and McLean reimbursed you?—A. Yes.

Q. When you took a trip with McLean and Keating, the Keating was Squire Keating, and the McLean you refer to was McLean the candidate at that time and this contestant?—A. Yes.

Q. Where did you go on that trip?—A. We took a bunch of big cards and also some smaller cards and went to Cork Lane first.

Q. Where did you stop there?—A. At Keating's place.

Q. At the hotel?—A. Yes.

Q. Were you in the hotel?—A. Yes.

Q. Did you have drinks there?—A. Yes.

Q. Who bought them?—A. I bought some.

Q. Who else?—A. Keating.

Q. Who else?—A. McLean.

Q. For the house?—A. It was in the afternoon and I don't think there was anybody else there, except the bartender.

Q. The bartender had a drink on you each time?—A. I don't know each time.

Q. Where did you go to next?—A. We went out to Dupont to see a fellow there by the name of Peter Lacula.

Q. What places did you stop in Dupont?—A. Before we went there we stopped at some hotel right in Dupont, but I don't know the name. Keating wanted to leave some cards and put a card or two up there.

Q. You bought drinks there?—A. I don't know now whether we bought drinks or cigars, but we went in and didn't come out without spending some money.

Q. And you each spent your share, did you, the three of you?—A. I don't know.

Q. Each of you bought something in there?—A. I spent the most of it, because I had the cards.

Q. And if there was anybody in the hotel or in the bar at the time they took a drink?—A. Yes; and were welcome to it.

Q. And this was McLean's money that you were spending?—A. Yes.

Q. And he was there when you were spending it?—A. Yes; that day.

Q. Where was the next hotel that you stopped at?—A. I don't know the name of the place, in Avoca.

Q. Didn't you stop at one in Dupont?—A. The last I spoke of was in Dupont.

Q. Where did you go then?—A. Avoca.

Q. Where did you go there?—A. To most of the stores on Main Street, and left cards there, and I believe we had supper there that night.

Q. You stopped in all the hotels in Avoca, didn't you?—A. Not all of them.

Q. About how many?—A. Probably three or four.

Q. And in each of these places you bought drinks just as in the other places?—

A. Certainly, as a rule we set them up when we went in.

Q. You did that on this day when you and Keating and McLean were together?—A. Yes.

Q. And McLean bought drinks?—A. As I said before I spent the most of it.

Q. He spent some money in Avoca for drinks, and that is why he ran short of money?—A. Probably so.

Q. And Keating, he spent some money for drinks in Avoca?—A. Yes.

Q. You did the same there as in any other place when you went into a hotel; if the bar room was full of the boys they all had a drink on McLean?—

A. Whatever they wanted.

Q. If it was a cigar or whisky or beer they got what they wanted, and McLean was there when you bought?—A. Yes.

Q. And at times he bought himself?—A. Yes.

Q. Where did you go to from Avoca?—A. We went to a place back of Duryea, right on the line of Duryea, and we stopped at the different stores.

Q. What was the next hotel you went to?—A. Indeed I don't know.

Q. You went to Duryea that day didn't you?—A. No; not the real Duryea. This was on the outskirts.

- Q. Did you visit Duryea that day at all?—A. No.
- Q. Where did you go to after that?—A. Came down to Pittston.
- Q. Did you visit hotels in Pittston?—A. We went up to the Elks.
- Q. To the Elks' rooms?—A. Yes.
- Q. You were in some hotels, though?—A. I was up to Ambrose Langan's.
- Q. And McLean and Keating were there with you?—A. Yes.
- Q. And you bought drinks there; all of you?—A. I didn't say all; I bought some.
- Q. There was a big crowd in there, on Main Street?—A. No.
- Q. How many people were in there?—A. Probably two or three; I don't just remember.
- Q. You tacked up cards in each of the hotels?—A. Yes.
- Q. With McLean's picture on them?—A. Yes.
- Q. About how much did you spend on the day's trip?—A. Probably \$8 or \$10 out of the \$31.
- Q. How much did McLean spend that day?—A. He didn't come out that day to go out, that was how it happened that he spent hardly anything. He didn't spend much. He told me he didn't have no money and I told him to never mind, whatever expenses we had I would take care of it.
- Q. He borrowed \$10 from Keating?—A. Yes; but he took sick that night and I gave my check back to Keating the next day. I borrowed the \$10; he didn't borrow it.
- Q. Did you pay the watchers in Hughestown borough?—A. Yes.
- Q. How many?—A. One, I believe.
- Q. How many districts are there in Hughestown borough; one?—A. One I believe.
- Q. Did you pay the men in Kingston, Wyoming, Forty-Fort borough, Dunceton, Luzerne, and Dallas?—A. No.
- Q. Or Exeter?—A. I paid some to one man, Sanford Geddes.
- Q. He is a Republican, isn't he?—A. He may be, but he was a friend of mine and McLeans in the Spanish-American War, and he took a deep interest in the campaign.
- Q. So much so that he took \$5 to support him?—A. Yes; I told him to lay off that day and look after things in Exeter borough and to do all that he could for McLean and I paid him \$5 for it.
- Q. You employed 31 poll men in the city of Pittston?—A. Yes.
- Q. Can you give the names of the men you employed?—A. I have a list of them there.
- Q. The list is attached to this, is it?—A. Yes.
- Q. In the first ward you employed three men?—A. Who are they?
- Q. Toole, Cosgrove, and McGary.—A. Yes; I would have employed but two, but Cosgrove got money from the Bowman side through McHenna, and therefore I had to get another fellow when I got up there, about 11 o'clock in the morning.
- Q. So that you got three there?—A. Well, the other fellow—Bowman's side bought him out.
- Q. What does Toole do in the first ward?—A. I believe his brother keeps a saloon; I don't know what he does, but I think he works on the Lehigh Valley Railroad.
- Q. What does Cosgrove do?—A. He works on the Lehigh Valley Railroad.
- Q. What does McGary do?—A. I believe he works in the mines. I don't know all those watchers, although I selected them. I would ask somebody in the wards. I would ask for the best Democratic workers, and I asked for good watchers, and they recommended me to them.
- Q. Did you consult with John Kehoe in selecting the watchers?—A. Yes.
- Q. How much money did you pay to Kehoe for watchers?—A. \$10.
- Q. Who is he?—A. He is city treasurer of Pittston, and he hired two watchers in the fifth ward; and he is also a liquor dealer.
- Q. He is a wholesale liquor dealer?—A. Yes.
- Q. And he is also the political boss of Pittston City?—A. Yes; one of them, anyway.
- Q. Ambrose Langan, whom you paid \$10 to as a watcher, he is a saloon keeper?—A. Yes; and he told me that he hired two men, but I had spoken to one and thought he hired him, and as long as he hadn't I hired him when I got up there; there was three watchers, and I told this fellow to leave things to Langan, and as long as he wasn't hired he should quit; or if he wanted to work for half that, I would give him \$2.50 for half a day, and he did so; that is Langan's uncle.

Q. You paid him \$2?—A. That is right.

Q. What does Sheridan do, who was a watcher?—A. I don't think he was working then at all.

Q. You paid Tom English \$10; what is his business?—A. I paid him for two watchers in one district, in the sixth ward.

Q. What is his business?—A. Alderman.

Q. He is a Justice of the peace?—A. Yes.

Q. In the eighth ward you paid Bill Lennon \$5? What is he? Who hired him for you? What does he do now?—A. He was to be a poll man, and I believe he works for Pat Joyce now.

Q. He is a partner of Joyce's?—A. Yes.

Q. Who is Lieutenant Glynn?—A. He belongs to a temperance society, the C. T. A. U., up there.

Q. He was a lieutenant in a temperance regiment up there?—A. Yes; I hired him until one of the boys came out Monday morning. He didn't want to work, but I made him work.

Q. He was willing to work for \$5?—A. Yes; and he did bully work, because he said that many of his people were opposed to the liquor interests and I assured him that that was not true, and he worked.

Q. When did you assure him of that?—A. Monday night.

Q. You knew it was not true?—A. Certainly.

Q. You were close to George McLean?—A. Yes.

Q. You were warm personal friends?—A. Yes.

Q. Did you have that denied in any paper?—A. No.

Q. Did you telephone to Mr. McLean or his brother saying that was doing him harm in Pittston City and that he should have it denied the next morning?—A. I may have.

Q. Will you say that you did?—A. I won't.

Q. Will you say you did not?—A. I won't.

Q. Why?—A. I was a busy man, but I believe I did at that.

Q. Which one?—A. Will.

Q. When?—A. I went down in the morning and saw him and took the paper and I got a check for \$250.

Q. That morning you took that paper and told him that was doing George a lot of harm?—A. Yes.

Q. What did he say to you?—A. He said, them things can't be helped, and if the other side stoops to dirty work of this kind what can we do?

Q. Did you tell him that he had better deny it?—A. I don't know whether I did or not.

Q. What did you tell him on Monday morning? What time did you see him?—A. Between 11 and 12 o'clock.

Q. And at that time George McLean was sick?—A. Yes.

Q. And Will McLean, jr., was his campaign manager?—A. Yes.

Q. In the ninth ward you had Barrett, the constable?—A. Yes.

Q. Did you pay him any money for serving at the polls?—A. Yes.

Q. \$5.—A. Yes. I hired three watchers in that ward and McKenna, he was supposed to be with us, and through him I hired a number of watchers in Pittston, and I found out at the polls that morning that the men were working for Bowman and I struck out and hired another man to offset it. Cosgrove got a lot of money, the fellow in the first ward, and he tried to get some of my watchers away from me on election day.

Q. You say that you thought that McKenna was with you?—A. Yes; he promised me the day before.

Q. Did you know that he had been with Bowman in the primaries?—A. Yes; I had a talk with him about it and he told me he was a Democrat and was going to be with us that time.

Q. Did you give him any money?—A. Not a cent.

Q. Did he want any?—A. Yes.

Q. How much?—A. He said he had a number of men, which he had as good as hired, and I would have to get his workers, that he could get the money from Bowman, but if I would take him over he would rather work for the Democrats. I told him I would be willing to take the watchers he had as long as they were good workers and get them to work for the Democratic party, but I couldn't give him anything himself, and it was finally agreed and it was all satisfactory even the morning before, on Monday morning, and I talked to him in front of the National Bank in Pittston and then everything was all O. K. and he gave

me to understand that he would not be there himself and I had to hire half a dozen fellows, anybody, although I don't believe that they all went back on me.

Q. You know better now than to match wits with an Irishman. What does Pat Meehan do in the eleventh ward?—A. Callahan hired him.

Q. What does he do?—A. I don't know.

Q. What does Callahan do in that ward?—A. He is a captain of the C. T. A. U. company, I don't know what he works at.

Q. Notwithstanding the article that appeared in the paper?—A. I had him hired before, but he objected strongly, and so did Gibbons in the seventh ward.

Q. They were three young men active in the temperance organization and they were the only men you had from that organization, and when they saw that article you told them it was not so and they took your word for it and went ahead and worked just the same?—A. Yes.

Q. And you told them to tell all their friends that it was not so?—A. Yes, of course.

Q. You paid Kane \$10. Who is he?—A. He is a saloon keeper at Pittston Junction.

Q. And Duffy, in the fourth ward, what is he?—A. A tailor.

Q. And Hopkins in the fourth?—A. He is a railroader or a miner. I forget.

Q. And Baker in the sixth?—A. He is a railroader.

Q. And Booze in the sixth?—A. He is a railroader, I believe.

Q. And Jerome Walsh in the seventh?—A. He is a laborer of some kind.

Q. And Jerry McCue in the seventh?—A. He wasn't working at that time.

Q. And Patrick Gibbons, he is the young man you spoke of?—A. He wasn't doing anything at that time.

Q. Joe McCanna in the ninth.—A. He is a bricklayer.

Q. And Pat Walsh in the ninth?—A. He is a beer driver for Bartels.

Q. How many beer drivers did you have on the job that day, election day?—A. I believe that is the only one..

Q. How many saloon keepers did you have on the job?—A. None of them got any money.

Q. None of them got any money?—A. No, Cann hired two fellows for me.

Q. And Langan hired two?—A. Yes, I only paid any liquor man any money at all and that is Pat Walsh. I paid him \$5, although Pat Walsh and I don't speak at all, and haven't for years, but this other McCanna came to me and told me about his uncle doing so much work on election day, and I told him to get somebody and he went and got Pat Walsh for me.

Q. You were in Avoca on election day?—A. Yes.

Q. What were you doing there?—A. Seeing how things were going.

Q. Do you mean that you went over the whole district, as far as you could?—A. Yes.

Q. How many places did you visit on election day?—A. Why, I was—first, I went in Pittston to the polling places and then I went to Port Griffith, and then I went to Inkerman and Port Blanchard and Sebastapool and Cork Lane, and then I went to Avoca.

Q. Of course you took cigars with you?—A. No.

Q. Any whisky with you?—A. No.

Q. How much did you spend on election day?—A. I don't know if I spent a cent—not anything to speak of. I may have spent some for cigars.

Q. Didn't you have some cigars in your automobile?—A. No.

Q. None at all?—A. No; I may have had one or two in my pocket.

Q. Who employed the watchers for you in Jenkins Township?—A. Burke hired three men in Port Griffith. I got there at about 11 o'clock and they had only polled about 12 votes, and I asked, how was this, you ought to have two or three hundred votes here, and he said, the constables is around and nobody wants to go near the polls.

Q. What did you do when he said that?—A. I told him we should try to get them away from there.

Q. Did you see the constables there?—A. Yes, I saw two of them.

Q. Were they in uniform?—A. No, but they had stars on.

Q. Where were they standing there?—A. One was sitting at a desk in the office and had his feet on the table where the Judge was, and the fellows were sitting there with them, but he had, of course, his star on, so you could see who he was, and the other fellow I found in Burke's eating.

Q. How many votes did they poll in that district that day?—A. I believe only about 28 all day.

Q. Who told you that they only polled that much?—A. Nobody; I seen it in the paper, but everything else I forgot now, and I don't know the exact number.

Q. Now, isn't it a fact that the reason that they did not poll the usual big vote in that district this time was because two of the State constabulary stayed there and counted everybody that came in, and the big vote in that township is a paper vote?—A. Not to my knowledge. I think it was a good straight vote, and I have no reason to think otherwise even now. That is a big town, Port Griffith.

Q. Who did you pay money to in Sebastapool?—A. A fellow named McDonald \$5, and a fellow named Day \$5.

Q. I notice on this list you have Gorman and Wynn. Who is Wynn?—A. He is a bookkeeper in Scranton, and he lives in Inkerman.

Q. He is not the squire?—A. I don't know. I know he is a bookkeeper in Scranton, that is all I know. And they had the constabulary there, too, in Inkerman and Sebastapool.

Q. Did you report that to McLean there?—A. Yes; I called him up.

Q. When did you call him up? That morning?—A. No; in the afternoon.

Q. And you told him of that fact?—A. Yes.

Q. I see you have on your list here 12 pollmen, \$60 and expenses, taxicabs, etc., \$31, buss. What did this \$31 consist of?—A. I accounted for \$10 awhile ago when we went out with cards. I probably was up there five or six times or more with a taxicab and I always used to have to spend some, too, which would take up the other \$25.

Q. How did you spend that? At the hotels?—A. No; mostly for taxicabs.

Q. Who did you go to see when you went up in a taxicab?—A. To see Keating, and then I went to Avoca two or three times with a taxi.

Q. You and Keating?—A. Yes.

Q. And you went into the hotels on these trips?—A. Yes.

Q. And you bought drinks then?—A. Yes; but not \$31 worth.

Q. There is "Expense paid by check, January 13," your expenses, \$10; what does that mean?—A. The expenses I had running around.

Q. The same kind you have been telling here about, by visiting hotels and stores?—A. Yes.

Q. And buying drinks?—A. Yes; you know the way.

Q. But it was McLean's money?—A. Yes.

Q. And he paid you for it afterwards?—A. Yes.

Q. Did he ask you what these expenses were for?—A. I don't think he did. He took it for granted that I wouldn't charge him for anything only what I really thought I had to spend for him; what I actually spent for him.

Q. He had seen you spend some of his money the day he was with you?—A. Yes.

Q. You made this expense account up when?—A. The expense account was made up a week or some time like that after—I figured it all up a week or so after the election and I just made—I didn't pay them all off then; I didn't have the money and I didn't pay them until after I got the money.

Q. Did you have any other money from any other candidate?—A. No.

Q. You were not interested in any other candidate?—A. No; except that as a rule I tried to get them to work for the Democratic ticket, but I was mostly interested in McLean.

Q. There was no local candidate?—A. The governor, etc.

Q. You were not interested in the State ticket?—A. I was, yes; but I was mostly interested in McLean.

Q. You were not working for Tener?—A. No.

Q. And the legislative candidate in your district, Healey, was nominated on both tickets and had no opposition?—A. No.

Q. And consequently there was no contest as to that office?—A. No.

Q. And the only local contest in your district was between McLean and Bowman?—A. Yes.

Q. I note upon here that you had expenses at Port Blanchard of \$5.—A. Yes; I went down a number of times to see Mr. Tennant and hired three watchers.

Q. Who is he?—A. A Justice of the peace down there, I believe.

Q. Did you give him any money?—A. Yes; for the three watchers. But I didn't know him; he wasn't in until the last day I went down. And each time I went down there it cost me more or less.

Q. How?—A. I went down in a carriage, and I spent some just as I did before.

Q. You went in Jack's place?—A. Yes; two or three times.

Q. There is always a big crowd in his place?—A. It was always in the afternoon when I went down there and I don't think I found anybody there.

Q. You bought some drinks and put McLean's cards up?—A. Yes.

Q. And that is part of the \$5?—A. Yes.

Q. Did you go to Parsons?—A. Yes.

Q. How much was your expense there?—A. \$5; and then I got a charge of \$10 for two fellows in one of the districts.

Q. You had \$5 for expenses in Parsons?—A. Yes.

Q. How did you go to Parsons?—A. In an automobile.

Q. Your own?—A. No; I hired one.

Q. But you and George went around Parsons together, didn't you?—A. Yes.

Q. And you went to the hotels in Parsons, some of them?—A. No.

Q. Whose automobile did you use in traveling?—A. Stroh's, or anybody's I could get, and Shephard's.

Q. You have one of your own?—A. No; mine went up a couple of years ago. It went up down in Plymouth Borough at one time.

Q. Charles B. Smith, clerk, is this the Smith that told you that Bowman was with him in an automobile?—A. Yes; and Tom English told me, too, that he saw that crowd getting into the automobile.

Cross-examination by Mr. LENAHAN:

Q. Tell us who they were?—A. Jonathan R. Davis and Charley Smith, I guess. I didn't see it myself.

Q. Go right on and tell who was there?—A. Tom English told me that he seen Smith there, but I don't know if he saw Bowman in the car or not, but I understood him to say that Bowman was there with him in the car, and he was just going home that morning after waiting for the returns and he seen a crowd get into the car, and I am quite positive that he said that Charley Smith was one of them. Also Mr. Bowman and Jonathan R. Davis.

By Mr. JONES:

Q. There is an item of \$11.26, newspapers and stamps, \$5.63 for envelopes and stamps?—A. Yes.

Q. What letters did you send out?—A. A letter to every voter in Pittston on Monday, to reach him Monday morning, to vote for George McLean, the candidate for Congressman.

Q. Have you a copy of that letter?—A. I have.

Q. Have you got it here?—A. I don't know whether I have it here or not.

Q. Here is another item, \$11.24, envelopes and stamps.—A. That is all in the same bunch, all for the same thing. I got them all at the Pittston post office.

Q. Were the letters printed?—A. Yes; by the Scranton Times. McRay printed them, and I paid \$7.50, I think.

Q. You make that advertising, but it was for printing those letters?—A. Yes. There was nothing in the letter at all, except that we wanted them to vote for McLean—a personal letter.

Q. It was a regular campaign letter?—A. We didn't do anything dirty at all.

Recross-examination by Mr. LENAHAN:

Q. You spoke of the State constabulary being present at one poll that day, at Port Griffith polls there in Jenkins Township that terrorized the voters from going to vote. This being the township in which the witness Jennings admits that he is the superintendent of several collieries for the Pennsylvania Coal Co.

Mr. JONES. This is objected to, as he did not say that the voters were terrorized.

Q. Tell us what you saw up there at the polls?—A. I saw the same thing as I found at Port Griffith; I found the same thing in Sebastapool, Inkerman, and Cork Lane; they had the constabulary there, too.

Q. And were all these places in Jenkins Township where you found them, except in Cork Lane?—A. Why, Tennant, he hired watchers, and he said we can't get anybody here because they are all afraid because of the constabulary, because they are around.

(This is objected to by contestee as hearsay evidence.)

Q. Did you see the constabulary there in those different places?—A. Yes.

Q. That is, you discovered them in all the districts of Jenkins Township, did you?—A. Yes.

Q. You have been asked here if you were not a very warm friend of George McLean's. You served with him in the Spanish-American War, didn't you?—A. Yes.

Q. You served in that war, and you were also both officers?—A. Yes; and we roomed together and ate together.

Mr. DANDO. And you drank together?

A. Yes.

Q. Your friendship preceded the election and it preceded the time of the Spanish-American War, even?—A. Yes; we was friends for 20 years and more.

Q. And in the Spanish-American War you and he were both officers, and were in the same regiment of the National Guard?—A. Yes.

Q. You have said here that McKenna came to you—that is Frank McKenna—and I might say here in that connection that it appears in the testimony that Frank McCanna received at least \$350 from Bowman, \$200 in the primaries and \$150 in the general election. This is the Frank McCanna you called attention to?—A. Yes.

Q. You say that Frank McCanna came to you and wanted some money from you for himself personally to support Mr. McLean, and you refused to give him any money?—A. Yes.

Q. Whether or not he accompanied you down to McLean's house?—A. No; he went down there first.

Q. With whom?—A. With John Kehoe, and John Kehoe, of course, told me that I could get McCanna, or if I could get McCanna, to get him, as he was a good, strong worker.—

(This is all objected to as hearsay and irrelevant.)

A. (Continuing.) And I came down to Wilkes-Barre that day, and as I came from George McLean's office I ran across Kehoe and McCanna. They didn't say to me where they were going. I was talking with them, but they went to McLean's house and had a talk with McLean.

Mr. DANDO. Were you there?

A. McLean told me about it afterward.

(Objected to as hearsay.)

Mr. LENAHAN. We offer what he said in this connection because we propose to call Mr. McLean's attention to it when he is called again.

A. Then when I came to see McLean he told me that McCanna was all right, but that he couldn't do everything he asked him. He said that he was the only Democratic candidate putting up his own money in his own district, and that he didn't have any money to throw away, and that he couldn't hire him unless I could see my way clear, but that he should see me and tell me to hire his watchers. He claimed that he had some watchers as good as engaged, and when I came up I seen McCanna and John Kehoe in the office, and that was the way I hired those watchers, and they are on that list.

Q. Whether or not they all went back on you at the polls?—A. No; I wouldn't say that they all went back, but I know one of them tried to buy some fellows up; that is Cosgrove. He went to the other fellow.—

Q. What relation is Cosgrove?—A. A brother-in-law of McCanna.

Q. That is the watcher you got?—A. Yes.

Q. What was your experience there?—A. Why, he tried to hire some of my watchers away from me.

Q. That is, Congrove did?—A. Yes; he offered them money.

Q. The man you employed to be a watcher?—A. Yes.

Q. He was suggested by McCanna?—A. Yes; and at the same time he was doing their work; he was going on the board that day.

Q. For Bowman?—A. Yes; for Bowman; certainly not for us, when he went back on us.

Mr. DANDO. You were willing to pay him money and let him stay on the board.

A. He wasn't on the board when I hired him. I hired him as a worker at the polls to get as many votes out for Bowman as he could.

Q. I call your attention to the watchers in the fourth ward.—A. A man named Hopkins, I think. You employed a man named Hopkins?—A. I hired Duffy and Hopkins, and Duffy said that Hughes went up in the second, or rather that McNevin of the Lehigh Valley Coal Co. sent a couple of men here besides the watchers they have and I said, you hire another man, and he hired a Polander.

Q. You knew McNevin?—A. Yes; I thought he was with us.

Q. He is a professed Democrat and has been for years?—A. He is one of the leaders up there.

Q. And he is one of the mine bosses of the Lehigh Valley Coal Co.—A. Yes.

Redirect examination by Mr. DANDO.

- Q. He is a mine boss and works for the Lehigh Valley Coal Co.?—A. Yes.
 Q. Had you seen him before election?—A. Yes.
 Q. And you asked him to work and vote for McLean?—A. I didn't just ask him.
 Q. What did you say?—A. I spoke about McLean.
 Q. He said he was willing.—A. I think so.
 Q. And you were willing to hire a mine boss for McLean?—A. Certainly, but I didn't want to hire him; he is a Democrat and should be with us.
 Q. You say he sent a man over to work for Bowman?—A. So Duffy told us.
 Q. Did the mine bosses or did McNevin hire any men in that district?—A. I don't know; he sent them over.
 Q. Name the men that he sent over.—A. I can't now.
 Q. Could you then?—A. Yes; Duffy told me their names.
 Q. Duffy will know the men that McNevin sent over there to work for Bowman against McLean?—A. Yes.
 Q. Was McNevin there at the polls?—A. I don't know.
 Q. Duffy will know that?—A. Yes; McNevin probably worked that day.
 Q. Did you pay Cosgrove his money?—A. Yes; before the election.
 Q. When?—A. I believe it was Friday or Saturday. He said that he had to report off the railroad and if he wasn't paid he couldn't be there. And he had also this other fellow with him. Cosgrove and Toher came to my office one evening and wanted me to hire them and to put them off. I told them I could not do it as I had left matters up there to a certain extent to Kane, and they would have to see Kane first, and Cosgrove told me, no, we want to be hired now and get our money to-night, or else we won't report off, and I said, if Kane tells me it is all right I will hire you, but leave it go until to-morrow night, and they came down the next night and I hired them.

Mr. LENAHAN. Did you see Kane in the meanwhile?—A. Yes; the next morning. I would like to say one more thing regarding Smith, I don't to bring anybody in wrong at all, only the matter came in in a way and I said it, I wasn't sure of it.

Mr. JOSEPH A. LEE, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. You live in Plymouth Borough?—A. Yes.
 Q. What is your business?—A. Merchant, in the hardware business there.
 Q. What is your age?—A. Thirty.
 Q. You were interested in the last campaign?—A. Yes.
 Q. And you received some money from John J. Moore, did you?—A. Yes.
 Q. For political purposes in this campaign?—A. Yes.
 Q. How much did you receive?

Mr. LENAHAN. I instruct you that any moneys you received for any other purpose than for the congressional candidate you are not obliged to answer, and don't answer. If you received any money for the congressional candidate tell what it was for.

Q. You received money down there to hire watchers at the polls?—A. Yes.
 Q. How much money did you receive for that purpose?—A. \$75 for the congressional candidate.

Q. How much from other sources?

Mr. LENAHAN. You are not obliged to answer, and don't answer.

Q. How much other moneys did you receive in that election for political purposes?—A. I refuse to answer.

Q. Why do you refuse to answer?—A. Because the other money received was not used for the congressional candidate.

Q. Is that the only reason you have?—A. That is a sufficient reason.

Q. How many men did you hire in that town?—A. All told?

Q. Yes.

Mr. LENAHAN. For congressional purposes.

A. Fifteen.

Q. Fifteen men for Congressman in the congressional campaign?—A. Yes.

Q. Where did you hire them?—A. In Plymouth Borough.

Q. John J. Moore was the chairman of the campaign of Asa K. DeWitt, wasn't he?—A. Yes.

Q. He was the senatorial candidate?—A. Yes.

Q. And who was the county chairman?—A. E. J. Moore, I understood so.

- Q. From whom did you receive this \$75?—A. John J. Moore.
 Q. From John J. Moore?—A. Yes; the senatorial district chairman.
 Q. You received \$75 from him?—A. For the congressional campaign.
 Q. How much did you receive altogether from John J. Moore?
 MR. LEAHAN. You need not tell that.
 A. I refuse to answer that.
 Q. You refuse to answer that. Why do you refuse?—A. Because it was not used for the congressional campaign.
 Q. It was used for poll men, wasn't it?—A. Yes.
 Q. In the campaign of 1910, in November?—A. Yes.
 Q. And every poll man working in your district was hired to work for the Democratic ticket, of course?—A. Not necessarily; no.
 Q. They were not?—A. No.
 Q. Every poll man you hired worked for the Democratic ticket?—A. No.
 Q. They worked for portions of it, did they?—A. Yes.
 Q. And only portions?—A. Only for portions of it, some of them.
 Q. Did you receive any moneys from George R. McLean, candidate for Congress?—A. No; not a cent.
 Q. Did you receive any moneys from William S. McLean, jr., his brother?—A. Not one cent.
 Q. Tell me again from whom you received this \$75.—A. From John J. Moore.
 Q. How did you receive it; in what way?—A. In cash.
 Q. You gave him a receipt?—A. Yes.
 Q. For \$75?—A. Yes.
 Q. When did you receive that money from John J. Moore?—A. I don't remember the exact date.
 Q. How long before election?—A. Four or five days, I judge.
 Q. Now, go on and tell me the men you employed for that \$75, and in what districts you employed them.—A. Well, it was in the 13 wards of Plymouth Borough.
 Q. Exactly so.—A. I can't give you their names.
 Q. Just start in and see whether you can or not. Who did you engage in the first ward of Plymouth Borough?—A. For George McLean?
 Q. That is what I asked you.—A. Why, I engaged a Polander fellow by the name of Belasko.
 Q. Did you engage any other man in that ward?—A. No, sir; I paid him \$10 to engage another man.
 Q. Who did you engage in the second ward?—A. I can't recollect.
 Q. Did you engage anyone there?—A. Yes; one man.
 Q. How did you come to engage him?—A. I sent for him.
 Q. How did you come to send for him?—A. I was acting under instructions.
 Q. Where did you send for him?—A. I don't remember.
 Q. How did you send for him?—A. By another party.
 Q. By whom?—A. I forget that.
 Q. How do you know that you sent for him by another party?—A. I remember sending for him.
 Q. You sent a verbal message by another party?—A. Yes; a verbal message.
 Q. What was the message?—A. That I wanted to see him.
 Q. When did you see him?—A. I can't remember.
 Q. You can neither remember the party conveying the message, or the party named in the message?—A. No; but I think I can if I look it up.
 Q. You have been subpoenaed for five days?—A. Yes.
 Q. And you knew the matter would probably come up here?—A. Yes.
 Q. You had a consultation with counsel in this case?—A. Yes.
 Q. But you now want more time to look it up?—A. No; but the 30 days having elapsed within which to institute contest proceedings, I destroyed the list.
 Q. How did you know that 30 days was the limit of the proceedings?—A. I read the papers.
 Q. When?—A. In the Wilkes-Barre Record.
 Q. Of what date?—A. I don't know, I can't answer that.
 Q. And the reason that you destroyed your records in this case was—
 A. I didn't destroy them, I don't know whether I destroyed or mislaid or lost them.
 Q. Did you look for them?—A. Yes.
 Q. What did you make the records on?—A. An ordinary sheet of paper.
 Q. Where did you keep that?—A. In my pocket for a long while.

Q. And from there—when did you last see that paper?—A. About two months ago.

Q. Where?—A. At home. I tell you, the last time I remember seeing it was when I took a suit to get pressed and I took this paper out of the pocket and threw it in a drawer of my dresser.

Q. You have looked for it there and can't find it?—A. Yes; I can't find it.

Q. Then you can't tell the name of the man in the second ward?—A. No.

Q. But you hired a man there?—A. Yes.

Q. And you gave him how much?—A. \$5.

Q. In the third ward?—A. I put \$10 in there for McLean.

Q. Who did you give it to?—A. I gave \$5 to another individual and \$10 to Thomas Farrell.

Q. You gave him \$10?—A. Yes.

Q. That is for George McLean exclusively?—A. That was for the man's work for McLean and to hire a Polish fellow.

Q. To hire a Polish fellow with him?—A. Yes.

Q. For George McLean?—A. Yes.

Q. Who did you put in the fourth ward?—A. In the fourth ward I hired a fellow named Martin McDermott.

Q. How much did you pay him?—A. \$5.

Q. Is that all you hired there?—A. Yes.

Q. And in the fifth ward?—A. John Edwards.

Q. Who is he?—A. He is a young man employed by—he is a clerk in the company's office down there.

Q. What does he do?—A. He is a clerk for the coal company.

Q. What coal company?—A. Haddock's Plymouth.

Q. How much did you pay him?—A. \$5.

Q. What was he to do?—A. Work for McLean.

Q. Don't you know that he has already testified in this case, on the part of the contestant, that he was engaged to work for the Democratic ticket?—A. I don't know that; no.

Q. Is that all in the fifth ward?—A. That is all.

Q. Who was in the sixth ward?—A. I can't recollect the sixth ward.

Q. Why?—A. I haven't the list, and I forget the name.

Q. Don't you recollect who you engaged there?—A. No.

Q. Where is it located, in Plymouth?—A. That is down on Goodwin Street there.

Q. But you can't recollect who it was?—A. No.

Q. Did you engage a man there?—A. Yes; I engaged a man in every ward and two in the first and third.

Q. You engaged one man there and paid him \$5 and you can't recollect his name?—A. Yes; that is right.

Q. Who was in the seventh?—A. John Barton.

Q. Who is he?—A. He is a street commissioner in Plymouth.

Q. He is a Republican?—A. No; a Democrat.

Q. He is a Democrat?—A. Yes.

Q. How much did you pay him?—A. \$5.

Q. In the eighth, who did you get there?—A. I can't recollect the eighth.

Q. Why?—A. I forgot them.

Q. You forgot the man?—A. Yes.

Q. Have you tried to remember it lately?—A. No.

Q. Do you think if we called you again, say, in five or six days or something around there, that you would be able to name the man?—A. Possibly so.

Q. What is his name?—A. I can't give it.

Q. Well, I give you notice now that we will call you again within 10 days, and in the meantime you try to find this man.—A. I will try to find the list. Do you mean the list?

Q. Yes. Who was in the ninth?—A. Mike McAvoy.

Q. How much did you give him?—A. \$5.

Q. Is that Martin McAvoy?—A. No.

Q. Who was in the tenth ward? What does McAvoy do?—A. He is a merchant.

Q. Who was in the tenth ward?—A. I can't remember the tenth.

Q. Why?—A. I don't know why.

Q. All right; in the eleventh?—A. I can't remember the eleventh or twelfth. In the thirteenth I hired a fellow named Hopkins.

Q. Why can't you remember the eleventh or twelfth?—A. In the eleventh I had Gene Doyle.

Q. How much did you pay him?—A. \$5.

Q. How much did you pay in the tenth?—A. \$5.

Q. Now, in the twelfth can't you give his name there; and the thirteenth?

A. Jack Hopkins in the thirteenth.

Q. Who is he?—A. I think he works around the mines, but I am not sure of that.

Q. He is a Democrat, is he?—A. Yes; I think he is; but I can't be sure.

Q. What makes you think so?—A. He has always worked for the Democratic Party.

Q. He has always worked in the Democratic Party for the Democratic ticket?—Where did Moore say to you that he got this money from that he gave you—this \$75?—A. He didn't say where he got it from, but he said it was for George McLean.

Q. Where did he pay it to you?—A. In his store.

Q. By check or cash?—A. By cash.

Q. How much money did he pay to you—how much was paid to you by John J. Moore in that campaign?

MR. LENAHAN. You need not answer that.

Q. Do you refuse to answer?—A. Yes.

Q. Why?—A. On the advice of Mr. Lenahan.

Q. Who is Mr. Lenahan?—A. I understand he is Mr. McLean's attorney.

Q. And that is the only answer you will give us, on the advice of Mr. McLean's counsel, Mr. Lenahan; you refuse to answer, is that correct?—A. Yes.

Q. Have you got any other reason?—A. Well, I have the reason that I don't think that DeWitt's election is being contested.

Q. That is your other reason?—A. Yes.

Q. And those are your reasons for refusing to answer, are they?—A. Yes.

Q. In that campaign you were interested in the Democratic ticket generally?—A. Some part of it.

Q. What part were you interested in?—A. I didn't take much interest in the State ticket.

Q. The local ticket you took an interest in?—A. Yes.

Q. You were interested as much in DeWitt as in McLean?—A. Yes.

Q. And more so?—A. Possibly.

Q. No doubt; he is a fellow townsmen of Plymouth?—A. Yes.

Q. You were very much interested?—A. Yes.

Q. And all the men that you hired for McLean you tried to see that he was a friend of DeWitt's?—A. No; I put it up to them, and if they didn't see it that way I didn't bother; it was all right.

Q. What did you say to them?—A. I said that I would like to have them work for McLean, and some of them didn't see it that way.

Q. Name a man?—A. I can't answer that now.

Q. And likewise when you engaged a man for DeWitt, you wanted them to work for McLean?—A. If possible; but I didn't insist on it.

Q. Can you name a man that you got for DeWitt that didn't work for McLean?—A. No; I can't now.

Q. Therefore, as far as you are able to testify now, the men engaged by you, both for DeWitt and McLean in particular, worked for both the men?—A. Yes; I think I did.

Q. Now, I ask you again, both of these men gave you sums of money; that is money that you received in addition to this already accounted for, for political purposes in this campaign, both as to McLean and DeWitt, or in their behalf?

MR. LENAHAN. You can make the same answer; refuse to answer.

A. I refuse to answer.

Q. Under Mr. Lenahan's directions, do you?—A. On the ground that Mr. DeWitt's election is not being contested.

Q. Is that the only ground?—A. Yes.

Q. How much money did you receive altogether?

MR. LENAHAN. Refuse to answer.

A. I won't tell you; that is the same question.

Q. You refuse to answer the question?—A. I refuse, yes.

Q. Don't you know that Mr. Moore testified this morning he paid you altogether the sum of \$265, and that this money was paid to you, a part of it being McLean's money and a part of it DeWitt's money, but that the money was paid

you; when he paid you that, this money was paid you altogether, and that it was understood when he paid you that all this money would be put out in the interests of both candidates? Answer that question.—A. I heard him testify to that.

Q. Is that so?—A. This money was paid on separate occasions.

Q. His testimony on this matter is not in that particular correct?

Mr. LENAHAN. Don't answer.

A. I won't answer.

Q. On the advice of Mr. Lenahan you again refuse to make answer?—A. On the ground that Mr. DeWitt's election is not being contested. I refuse to answer.

Q. Isn't it a fact that the moneys that went into your district and that came into your hands was used equally in the interest of Mr. McLean and Mr. DeWitt?—A. I decline to answer.

Q. Is it not so that you hired a man definitely—I mean that you hired a man distinctly for McLean and another distinctly for DeWitt?—A. No.

Q. What is the fact?—A. The fact is that I hired men for McLean alone for that \$75.

Q. And with all the other moneys expended you hired them alone for DeWitt?—A. No, sir.

Q. You hired them?—A. As I told you before I didn't insist on their working for both men, but if they were satisfied I allowed them to.

Q. Didn't you request them to?—A. I asked them to, and if they refused I allowed them to.

Q. You allowed them to do what?—A. Work for McLean.

Q. You have already said that nobody refused.—A. I didn't say that.

Q. Well, did anybody refuse?—A. I can't recollect that.

Q. Then, so far as you now recollect, every dollar taken into that district was for the benefit of McLean and DeWitt?—A. No.

Q. Not a dollar that didn't go down there for that purpose?—A. I told you that I didn't recollect.

By Mr. LENAHAN:

Q. DeWitt was also on the Keystone ticket?—A. Yes, sir.

Q. He was nominated by the Democrats and indorsed by the Keystone?—A. Yes.

Mr. DANDO. Moore was to manage the Democrats?—A. He was his campaign manager.

Mr. DANDO. Mr. Lee has stated in his testimony that there are a number of wards in Plymouth where he expended money, but he is unable at this time to give us the names, and we give him notice at this time that we will call him within 10 days for the purpose of ascertaining from him the names of the men to whom he paid money and whose names he is unable to give us at this time.

Mr. ROGER DEVERS, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. DANDO:

Q. You are an attorney at law in this county?—A. Yes, sir.

Q. During the last election you received \$100 from William S. McLean, jr., didn't you?—A. Yes, sir.

Q. I wish you would go on and state to the commissioner the purpose for which you received this money.—A. After George R. McLean was nominated for Congress on the Democratic ticket he came and solicited my aid to assist him in being elected. We have had several interviews concerning the matter, and I was not a member of the committee or a party to the Democratic organization in the first legislative district, the Hazleton country. We arranged that I should take a certain interest in the campaign to further his interest in being elected. I organized, or arranged to organize, an element in the first legislative district for the benefit of George McLean, the Democratic candidate, and some time after that Mr. George R. McLean became ill, or at least I didn't see him about until after the election. Mr. Will McLean, jr., I think on the Saturday before election came to my office and told me that he had been sent there by George R. McLean, who had made some arrangements with me and wanted the matter carried out.

Q. I asked you to give the facts. Go on to the facts.—A. He, on that day, gave me \$100 to cover whatever arrangement I had entered into for George McLean. I had, prior to that time, arranged and got a list of the active Demo-

cratic temperance workers in that district. I had arrangements made to employ these men and to raise an issue between George McLean and Mr. Bowman that would have been a help to the party, by reason of an article that appeared in the Nanticoke News, wherein Mr. Bowman went on record as being very favorable to the liquor interests. The morning before election an article appeared in the Wilkes-Barre Record that prevented me from going into that arrangement. I consulted with the other party interested in getting me the watchers for that purpose, and in the face of this article he advised not going into it. That is, not to employ the watchers. The following morning the report or article was republished in the Hazleton Standard, and as a result of these two articles I didn't spend any money given to me by Mr. McLean, and I tendered the \$100 to George McLean the first time I met him after the election. I went to McLean's office the day after election to meet Mr. McLean, but he was not there. I made three visits and was not able to meet McLean for some little while after the election. I went to Mr. McLean's house to locate him to try and settle accounts, and when I finally did meet McLean, he said to keep the money, for I might have to account for just what happened, and I have the money in my possession yet.

Q. How was this money paid to you?—A. It was paid to me, as I recollect it, in cash.

Q. When?—A. I think it was the Saturday before election, but I am not sure of that.

Q. And when was it that you and George R. McLean had your first conference with reference to your rendering him assistance in the first district?—A. It was the first conference we had, before he was nominated.

Q. After his nomination, when?—A. After his nomination, it was not after his nomination.

Q. And your arrangement with him at the time was to organize the temperance element in the lower end?—A. No; my arrangement at that time was that I would take an interest in his candidacy.

Q. Then, after the item appeared in the Nanticoke News, which you now say designated Mr. Bowman as a friend of the liquor interests, you then undertook to interest the temperance element in favor of McLean?—A. Yes.

Q. But not until then?—A. Not until then; no.

Q. When was that?—A. My recollection now is that it was in the latter half of the month of November.

Q. Now, you mentioned friends or a friend in the lower end who were cooperating with you in the matter?—A. Yes.

Q. Who was that friend?—A. William Carlin, of Drifton, a member of the C. T. A. U., in St. Ann's Parish, at Drifton.

Q. When did you first talk with him about this matter of organizing the temperance element and perfecting an organization of this character?—A. Not until after I decided to let that be my issue. I first talked with him about the interests of McLean prior to that.

Q. When was that?—A. I couldn't give you that.

Q. Don't you know when you had your first talk about a definite purpose?—A. A definite purpose? About the latter part of October.

Q. Where did you meet him?—A. In his house in Drifton.

Q. And after this article appeared you and he decided you would make a temperance issue of it?—A. We drew the lines between them on that issue.

Q. In other words, you would interest the temperance people in his behalf on the strength of the claim that Bowman was the liquor candidate?—A. Yes.

Q. On the strength of that article in the Nanticoke News?—A. Yes.

Q. You had an organization to get together?—A. I had lots of names—a list of names that I intended to get.

Q. How many?—A. I think there is 115.

Q. Give me the names?—A. James Costello.

Q. Did you talk with him?—A. No; I had the workers ready, but I didn't see him myself.

Q. You had in mind James Costello as one of these men?—A. I did.

Q. But you had never talked with him?—A. No.

Q. Who else?—A. I will say in this connection that I don't believe that I talked with any.

Q. Who else?—A. Joseph Coll, of Ebervale.

Q. Who else?—A. One of the Costello boys, of Lattimer or Milnesville.

Q. Go on with the rest that you had in mind.—A. The rest? I don't know as I could give you the rest, because they were not furnished me, but were furnished or to be furnished by William Carlin.

Q. He gave you a prospective list of 10 or more?—A. Yes; of good people to interest in that direction.

Q. And you went on then until when?—A. When the article appeared in the Record on the morning before election.

Q. You had made arrangements to engage these men?—A. No; I had no means.

Q. When did you get the money?—A. I think on Saturday, but I was out of town here in Wilkes-Barre, but I intended going down on Monday or Sunday night, but I didn't get away until Monday morning.

Q. Did you go on Monday?—A. Yes.

Q. What did you do there, then?—A. I went down and talked with Carlin, and we discussed the article in the Wilkes-Barre Record, and I told him I didn't think—I asked his advice as to whether it would be proper to go into the movement in the face of the press coming out the way it did in the matter on the morning before election.

Q. Why wasn't there a greater necessity, then?—A. I take the Wilkes-Barre Record as being authentic and any article that appears there is almost to me correct until I hear it different.

Q. You took the Nanticoke news as authentic?—A. No; I took that because it was given to me by Thomas Callary in the Exchange Hotel, and I asked him if it was authentic, and he said it was.

Q. And on the strength of that you took it as authentic?—A. I did.

Q. And when you saw the article in the Record you took that as authentic?—A. Yes.

Q. When?—A. About 10 o'clock.

Q. Up until 10 o'clock of the day before election, then, you had not engaged a solitary man?—A. No.

Q. And you had made no arrangement to engage them except as you detailed here?—A. No.

Q. And then at 10 o'clock that day you went to Hazleton?—A. I wouldn't say 10 o'clock, it may have been noon.

Q. What time did you leave here?—A. Between 10 o'clock and noon.

Q. You had with you \$100 in cash?—A. Yes.

Q. And the first man you seen in Hazleton was Carlin?—A. Yes.

Q. Did you find him working?—A. I found him home. He was home from work when I got there.

Q. What time was that?—A. I guess between 5 and 6 o'clock.

Q. These men were scattered all about the country?—A. Yes.

Q. And you didn't meet him until 5 or 6 o'clock that night?—A. No.

Q. And if he had advised engaging the men you would have done it anyway?—A. Yes.

Q. And it would have required 20 engagements that night, in that scattered, sparsely settled country?—A. It would; that could be done by phone, etc.

Q. You intended to do that that night?—A. That night and the morning of election day.

Q. But you had a conference with him and decided it should not be done?—A. I did.

Q. You were getting the temperance workers for McLean in the first instance because Mr. Bowman was supported by the liquor interests?—A. Yes.

Q. Mr. McLean was your friend?—A. He was and is yet, personally my friend.

Q. When you discovered the day before election that McLean was a liquor man you were still his friend?—A. Yes.

Q. And he needed a friend among the temperance people?—A. He did.

Q. You didn't turn his friend?—A. I don't understand.

Q. He needed a friend more than ever among the temperance people after that article appeared in the Record.—A. True.

Q. After your efforts with Carlin you came back home?—A. I came back one day after election.

Q. You maintain your voting residence there?—A. Yes, sir, in the fourth ward of Freeland.

Q. Then you came back on Wednesday morning?—A. I did.

Q. And you couldn't find George R. McLean?—A. No.

Q. He hadn't given you the money, had he?—A. No.

Q. William McLean, jr., did?—A. Yes.

Q. And you tried to find George McLean several times?—A. Yes.

Q. And failed?—A. Yes.

Q. But you never suggested that to William McLean, jr?—A. No. I might have mentioned it to him.

Q. Did you?—A. I am not sure.

Q. Tell me the first time that you mentioned it specifically to George McLean?—A. I can't give that.

Q. Well, give it approximately?—A. After he returned from his sickness.

Q. When was that?—A. It may have been about the 20th or 30th after he came back.

Q. Then it was some time in the early part of this year?—A. It may have been.

Q. Then for a period of time approximating two months after the election you had \$100 in your possession without accounting for it to anybody?—A. It was not two months. I mentioned it to McLean about the time he got back from his sickness.

Q. When he returned from Florida?—A. Yes.

Q. In the meantime you had been in this city daily?—A. Yes.

Q. And William McLean, jr., and William McLean, sr., the brother and father of the candidate, respectively, who occupy offices with him, were in town daily, as far as you know?—A. They were.

Q. But when George came back you, for the first time, informed him that you couldn't use the money in the manner which you intended?—A. Exactly.

Q. Didn't you inform him on election day that the matter was off?—A. No, sir.

Q. You didn't use a dollar for him?—A. No.

Q. You merely went and voted?—A. I didn't vote at all.

Q. You didn't vote on election day?—A. Election day, I did not vote.

Q. You were home?—A. I was home in the morning. I wasn't there from that on.

Q. And you did nothing for McLean at all that day?—A. No; I didn't do anything.

Q. Well, you have already stated that the article that appeared in the Record didn't cool your friendship toward George, and hasn't since?—A. No; and it hasn't since; no.

Q. And you went to George right after his return from his trip and stated the facts as you have narrated them here?—A. No; I haven't gone to his office and narrated the facts as I did here.

Q. You narrated the facts that you spoke of here to him there?—A. About not putting his money out?

Q. Yes.—A. Yes; I told him, but the facts that I am narrating here I narrated for the first time.

Q. He told you just to keep the \$100?—A. He did.

Q. What else did he tell you?—A. He told me, he said that money must be accounted for. Will has it in his account, and for the present I don't know about my taking it back until the thing is accounted for in court.

Q. That was in December?—A. I think it was.

Q. There was no commotion at all then; no contest?—A. I don't know whether any contest was on or whether it was contemplated or not.

Q. Don't you know that it was not on?—A. I can't tell.

Q. But he said you had better keep the money; why?—A. Because it has gone through Will's account, and we may have to account for that money.

Q. That you might have to account for it?—A. Yes.

Q. You certainly told these things to Mr McLean before these proceedings started?—A. I did not.

Q. You told him about the \$100 before the proceedings started?—A. I can't say so.

Q. You told me you told him about Christmas?—A. I told him on his return from his sickness.

Q. Around the holidays?—A. Maybe, although it may have been before.

Q. At all events before these proceedings began?—A. I can't say.

Q. Was it within 40 days or how much?—A. I wouldn't swear to that.

Q. How long would you say after his return from his trip?—A. I wouldn't know, because I don't know the exact date of his return.

Q. You remember the fact of the announcement of these proceedings?—A. I can't say that I do.

Q. Did you remember the fact on the first hearing?—A. I can't say that I do.

Q. You read it at the time?—A. Yes.

Q. You read the papers daily?—A. Yes; I read the Press every day if I am in town.

Q. And it was before that first hearing that you tendered that \$100 back?—A. I wouldn't say. It may have been before the first hearing that I tendered the money.

Q. It was before the close of his hearings?—A. Yes.

Q. His hearings you know closed yesterday and it was before that?—A. Yes.

Q. And he told you to retain the money for the present?—A. Yes; that he would have to account for the money later on.

Q. You have a brother who is a mining man?—A. No.

Q. You have a relative?—A. No. In Nanticoke I have.

Q. What is his relation?—A. A cousin.

Q. He is a cousin?—A. Yes; a first cousin.

Q. What is his position down there?—A. Assistant superintendent for the D. L. & W.

Q. Have you any other male relatives who are mining people?—A. No; not that I recollect.

Q. Or connected with the mining of coal in any capacity?—A. Not that I can recollect.

Cross-examination by Mr. LENAHAN:

Q. You are a member of the bar?—A. Yes.

Q. And you make your voting residence in Freeland?—A. Yes.

Q. But you keep your law office in Wilkes-Barre?—A. Yes.

Q. Freeland is in the Hazleton country?—A. Yes.

Q. It is quite a large town down in the Hazleton region?—A. Yes.

Q. Do you know how far away it is from Wilkes-Barre?—A. Possibly 30 miles.

Q. With a large range of mountains intervening between here and Hazleton?—A. Yes.

Mr. DANDO. And there is a railroad and trolley connections between the two places, within an hour's travel?—A. An hour and 45 minutes.

Mr. LENAHAN. An hour and 5 minutes from here to Hazleton and 40 minutes from there to Freeland?—A. Yes.

(Hearing adjourned until Friday, March 24, 1911, at 10 a. m.)

FRIDAY, MARCH 24, 1911.

Hearing resumed at 10 o'clock a. m., at the sheriff's salesroom, courthouse, Wilkes-Barre, Pa., pursuant to adjournment of yesterday's session.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., John H. Dando, Esq., and William L. Bowman, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; George R. McLean, contestant, in person; John T. Lenahan, Esq., and John E. Jenkins, Esq., counsel for contestant.

By Mr. LENAHAN. Counsel for contestant moves to strike from the record the testimony of the following witnesses: James Judge, William Butler, Joseph Lee, George Buss, Roger Devers, for the reason that their testimony in no way supports or tends to support any of the averments contained in the answer as filed by the contestee in this case and therefore their testimony is immaterial, irrelevant to the issues of fact and law involved in this investigation.

GEORGE R. MCLEAN, contestant, called by contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. You are the contestant in this case?—A. Yes, sir.

Q. How old are you?—A. Thirty-eight.

Q. You are a practicing member of the Luzerne County bar?—A. Yes, sir.

Q. And have been for how long?—A. Fifteen years, I believe.

Q. And during all that time you have been actively engaged in the practice of law and are still so engaged?—A. Yes.

Q. Your father is also a lawyer?—A. Yes, sir.

Q. And he has been practicing law at this bar for how many years?—A. Forty-five.

Q. And your father is still in active practice?—A. Yes.

Q. And he goes to his office every day?—A. Yes; I think so; practically every day.

Q. And he is still actively engaged in the practice of law?—A. Yes, sir.

Q. You also have a brother who is a member of this bar?—A. Yes.

Q. And how many years has he been practicing?—A. Well, I should think it is 10 or 11 years. I couldn't say definitely, but it is 10 years anyway.

Q. And he is also actively engaged in the practice of law?—A. Yes, sir.

Q. And you and your father and your brother all have offices together?—A. Yes, sir.

Q. The brother who is practicing law is William S. McLean, Jr., and he was your campaign manager in this campaign now in question?—A. Yes, sir.

Q. You have produced here your checks and stubs, in accordance with a subpoena?—A. Yes, sir.

Q. Have you any other check books upon which personal checks were drawn by you during the last six months?—A. None.

Q. Your other check books are matters pertaining to some concerns in which you are interested?—A. Yes. There is just one other, I believe, as treasurer of the Fenwick Lumber Co.

Q. You are interested in that concern, are you?—A. Yes.

Q. Do you ever draw personal checks on that account?—A. You mean personally? I draw a salary check to myself on that account.

Q. On June 13 I notice a subscription to the Y. M. C. A. of \$25. You usually contribute that, do you?—A. I usually contribute to the Y. M. C. A. every year.

Q. I notice that on June 16 you drew a check to John B. Graham, distributing cards, political, \$5. Who is John B. Graham?—A. He is an undertaker, living at Ashley, a personal friend of the family for many years. The occasion for that check was that John B. Graham, at my request by telephone, employed a young man to distribute cards—poster cards—during the primaries.

Q. Is this a primary account?—A. It is for it. I sent him the check.

Mr. LENAHAN. We are now here with check books showing the expenditures of money at the primaries as well as at the general election. We have nothing to conceal with reference to our expenditures of money, either in the primary election or in the general election. We are willing that the gentlemen on the other side should go into the whole transaction from the first day that Mr. McLean announced his candidacy down to the present period.

Mr. JONES. The gratuitous offer of the gentleman on the part of the contestant to permit the contestee to go into his primary accounts will not be taken advantage of by the contestee, for the reason that what he spent in the primaries has no bearing whatsoever upon this inquiry as we view it.

Mr. LENAHAN. To which we allege that it has as much bearing as what he spent in the general election, for the reason that under the averments in the answer the moneys that Mr. McLean spent in the general election would not be evidence, because there is no claim that he spent any money illegally or improperly, but, that there may be no question about the matter, we want the fullest, freest investigation to be made of every expenditure that he made in the whole canvass, from its beginning down to its close, whether in the primaries or in the general election.

Mr. JONES. I notice a check dated June 11, 1910, payable to yourself, marked on your stub, "Various personal expenses campaign poll," for \$50. Do you recollect what that was for?—A. I can only say relative to that check the same thing that would relate to any check marked that way—that that was money drawn by me personally during the campaign and marked "Political," and further, that, of course, of necessity a great deal of that money went into purely personal matters, such as traveling expenses to see my family, in the Catskill Mountains, during the whole of last summer—sometimes twice a week—and general household expenses, and spending money for my children and in their various amusements, and to my family in the Catskills, and when making out my account I was in a rather delicate condition of health and rather than try to think out these matters, which in my condition I could not do, I took everything that appeared in any way political and lumped it under "General expense." That is in explanation as well for all checks that are so designated.

Q. You can't recollect and you can't attempt to recollect what this check marked "Campaign. Political for campaign" was for, for \$50?—A. Other than the usual expense of a candidate in traveling around through the county.

Q. I notice a check of \$5 to Wilbur Search of Shickshinney to the Shickshinney Presbyterian Church. Was that a political expenditure?—A. Not at all.

Q. Is this the Wilbur Search who was a witness for you?—A. It is the same man who was a witness.

Q. Had you ever before subscribed to the Shickshinney Presbyterian Church?—A. I don't recollect definitely that I have.

Q. You subscribed to this church, then, by reason of your being a political candidate?—A. No, the subscription had been made long prior to the date of that check. I didn't give him the check at the time that the subscription was made. My recollection is that it was some time in the winter of 1910.

Q. After you were a political candidate?—A. No, I was not even thought of as a candidate at the time.

Q. But it was not given to him until June 16?—A. Whatever date the check says, it was given to him.

Q. Did he come for it?—A. Yes, and recalled my attention to the fact that I had made that subscription.

Q. I direct your attention to the check of July 1, to P. F. Mead, subscription to the Mountain Top Presbyterian Church. Was that for political reasons?—A. No, sir.

Q. Had you ever before contributed to the Mountain Top Presbyterian Church?—A. I am not able to answer that definitely. That is a small Presbyterian Church at Mountain Top.

Q. How many miles is it from Wilkes-Barre?—A. About 11 miles, I think, by the Lehigh Valley Railroad.

Q. Have you ever attended church there?—A. I have, when we had a cottage at Glen Summit.

Q. How many years ago is that?—A. It has been two or three years since I had a cottage there at Glen Summit.

Q. And you can't recollect that you made a subscription to that church before?—A. Not definitely; I think I gave a check to Brong for that church; I think I did.

Q. On the 7th of July you gave your brother, William S. McLean, a check for \$476.78, the stub of which shows that it went for various purposes. I only ask you as to the writing on the stub of the check as to the matters which may be campaign matters. You have, "City school and building taxes for 1910, upon Market Street, \$333.38." Where is that property upon Market Street?—A. At the corner of West Market and Anheuser Alley. It is the Burdick's laundry and what stands next to it.

Q. You have your poll tax, \$6.24. What is that?—A. That, I believe, was my personal poll tax—I know it was my personal poll tax. My brother laways paid the taxes for all the properties in the office and we paid him.

Q. What do you mean by personal poll tax?—A. I can't tell you any more than it was a poll tax and was for personal—I presume I have a receipt for that. It was my professional occupation tax.

Q. That is a personal tax?—A. Yes.

Q. And when you speak of a poll tax, you mean that is the tax usually paid to permit a man to vote?—A. I understand, I don't know who wrote that in there. I would call that a personal tax, I think. I didn't write that; my brother wrote that.

Q. In the same writing on the same check stub is, "Ambrose Green, poll man, \$2.50."—A. That was primary expense that my brother had paid.

Q. Primary expense, paid about a month after the primaries?—A. Yea.

Q. July 11 you drew a check to yourself, marked "pol," \$10, in the same way you say that went into your general political expenses?—A. And traveling and expenses to see my family and amusements of my family in the Catskill Mountains.

Q. You would say the same as to check No. 3629, drawn to yourself and marked "Political," for \$15?—A. Yes; there is one check there, I think it was in July, marked "Political," and a great deal of it was taken up with a doctor's bill in the Catskills, when I became ill.

Q. Check No. 3633, drawn to E. T. Smith, treasurer, marked on your stub, "Subscription to band concert." That was a subscription to a public fund to have a series of concerts in the city?—A. Yes.

Q. Check No. 3643, I note by your stub, was to J. C. Hoover, Plymouth, second district, \$10. The check to your brother is \$475, and one of the items is J. C. Hoover, Plymouth, \$10.—A. That I have no recollection of, but I imagine that is some primary expense that my brother William had.

Q. It is in your brother William's handwriting?—A. Yes.

Q. There was a check given to your brother by you in accordance with statement rendered by him to settle up some matters for which he had made payments for you, some being purely business and that one being political?—A. I don't know at all whether that was political; I have no recollection.

Q. You would be led to believe it by its being marked second district, Plymouth, that it would be political?—A. I would think it would be.

Q. You have got another item on the same stub, as "Percy, Harrisburg, \$10."—A. Yes.

Q. That refers to your younger brother, Percy McLean, who went to Harrisburg for you?—A. Yes.

Q. On a political mission?—A. He went to take a paper down there.

Q. That was the nomination paper for the Keystone nomination for Congress in this district?—A. No; it was the preemption of the Keystone column, not a paper nominating me.

Q. As has been testified to here, both you and Mr. Bowman appeared before the county committee at the Hotel Sterling; that is, before the county committee of the Keystone Party?—A. Yes, sir.

Q. Both seeking to obtain, if possible, the Keystone indorsement?—A. Yes, sir.

Q. And the action of that county committee of the Keystone Party was adverse to both of you?—A. They took no action.

Q. Well, there was an actual vote taken that they would indorse neither of you, wasn't there?—A. I don't know.

Q. Then you caused nomination papers to be circulated, or preemption papers, didn't you?—A. I caused nomination papers.

Q. And you sent people throughout the county and gathered together a large number of names of persons and they asked to have you placed on the Keystone ticket?—A. I didn't do that.

Q. Was it done to your knowledge?—A. It was done to my knowledge.

Q. By whom was it done?—A. I couldn't tell you that now.

Q. You had knowledge of it at the time it was done?—A. I had knowledge that it was done.

Q. About how many such petitions did you circulate?—A. I couldn't tell you now, but I think there were three or four.

Q. Do you know by whom they were circulated?—A. No; I could not tell you, I don't recollect at all.

Q. And you gathered together in that way a great number of names of voters throughout the country?—A. I think there was eight or nine hundred names.

Q. And it took considerable time, of course, to get them?—A. I don't recollect that; I have no knowledge now.

Q. You were very anxious to get that Keystone nomination?—A. Not very; I resigned from it after I got it.

Q. Did you get it?—A. I preempted the column and took the nomination and withdraw after the time had gone by in which the Keystone Party could put another candidate in the field.

Q. Let us see about that. Do you remember what parts of the county these petitions were circulated in?—A. I have no knowledge of it now, personally.

Q. You had three or four different petitions out and when they came in they were fastened together and sent to Harrisburg by your brother?—A. No; they were not taken down there by my brother. I believe that I took them there myself.

Q. You took them to Harrisburg yourself?—A. Yes.

Q. Well, you saw them before they were taken down to Harrisburg, of course?—A. I did.

Q. But you can't recollect now who circulated these papers for you?—A. I have no idea; no, sir.

Q. Do you recollect whether it cost you any money to have them circulated?—A. It cost no money, to my knowledge and belief.

Q. They were circulated by friends? Or employees?—A. By friends.

Q. You preempted the Keystone column?—A. I did.

Q. Did you preempt the Keystone column in this district by virtue of that paper which contained the names of seven or eight hundred persons and voters, or by some other paper?—A. By a prior paper containing the names of five or six voters in this county.

Q. Who were they?—A. Thomas K. Sturdevant, Keystoner; William C. Chase, Keystoner; Odell, a Prohibitionist and Keystoner, and I don't recollect his other name.

Q. C. H.?—A. I don't recollect.

Q. Odell is a Republican, isn't he?—A. I understand he is a Prohibitionist and always has been; that is, in recent years. I might say that Chase and Sturdevant are Republicans in national politics.

Q. You recollect three of them?—A. Yes.

Q. And later on you can recollect the others?—A. Yes; probably.

Q. That preemption paper was sent down to Harrisburg first?—A. I think T. W. Hart, the lawyer,—

Mr. LENAHAN. You mean Tom, from Ashley?—A. Yes.

Q. He is a Democrat?—A. He is a very independent man and a Keystoner.

Q. Do you mean personally or politically?—A. Politically and personally. He always has been a Keystoner from his talk with me, and that is all that I recollect at the present time.

Q. As you understand the law, did that preemption paper give you the right to the Keystone nomination for Congress?—A. It did.

Q. Or it gave these men rather who had preempted the column the right to name?—A. The right to name the Keystone candidate.

Q. As a matter of law you know, of course, that it didn't?—A. As a matter of law I know that it did in the absence of action by a committee representing the Keystone Party it gave the right, and the Supreme Court so held in the case of *Wakefield v. Black*.

Q. And you had knowledge of that case before you preempted the column?—A. No knowledge whatever, but the Supreme Court simply justified my action.

Q. Why, then, did you circulate a petition and get 700 or 800 names?—A. Because in the absence of a petition containing 200 or more names you would not get the nomination. The preemption is merely the right to use the party column.

Q. Then you did have the Keystone nomination?—A. I did, beyond a doubt.

Q. Then why did you give it up?—A. Because I didn't care for it without the consent of the local committee.

Q. Isn't it a fact that the Times-Leader, the Keystone paper, through Kirkendall and Smith, served notice on you that if you stole that nomination they would get after you?—A. I have never—there was never such a thing said.

Q. Didn't they object in that paper?—A. I don't know that.

Q. Didn't you have a talk with Kirkendall and Smith, the editors of that paper, and didn't they say to you that if you stole that nomination after they had turned you and Bowman down at their county meeting, they would make it hot and would get after you and lick you?—A. I don't know that.

Q. Will you say that they did not tell you that?—A. I will say no such thing: I had a great many conversations with them. I will say this, that the threats of any men to me on this point would not have affected me in any wise. It was my principles. When they would not indorse me, after I had obtained this nomination and it was too late for them to substitute or put any one up against me, I then withdrew from the nomination.

Q. You had knowledge, before you filed this preemption paper and before you circulated these nomination papers, that they would take no action in this matter?—A. No knowledge whatever.

Q. When did you first hear the result of their determination at that meeting at which you and Bowman appeared?—A. I presume it was shortly after that, but I don't know definitely.

Q. What action did you hear that they had taken?—A. I heard that they took no action.

Q. Who told you that they had taken no action?—A. I don't recollect that.

Q. Do you mean to say that as a candidate, very anxious to get that nomination, that you didn't even know what determination or result of the vote was in the committee meeting?—A. I haven't said that.

Q. They met just across the street?—A. I said that I understood that they took no action, and I believe I am stating it correctly. They didn't indorse me or Bowman, to my belief.

Q. Wasn't there a vote put there and carried by one majority that they would indorse no candidate?—A. I believe so.

Q. You heard so?—A. That is what I understood.

Q. And didn't they go still further? They said that not only as to you and Bowman, but generally, that they would indorse no candidate for Congress?—A. I think not; I didn't hear that at least.

Q. Because they were interested, not in the congressional fight, but in the State fight?—A. I am sure I don't know what transpired.

Q. Why did you go to that meeting?—A. At the request of the committee.

Q. You wanted that nomination?—A. I would have taken it gladly if it were given to me.

Q. Why did you give it up?—A. Because I didn't care for a nomination that I got in that way. I told you that I took the nomination because I didn't want any candidate put up in opposition to me. Bowman was very active for that nomination and I thought that as I had the nomination on papers I would keep that until such time they could not get another man on the ticket, and I want to say further that after I acquired the nomination in the way I pointed out I went to Ernest G. Smith and John E. Jenkins, and Wm. Trembath and several others, whom I don't recollect now, and I said, "Gentlemen, if you will assure me that my resignation from this ticket, or my withdrawal as it is legally termed, will not be taken advantage of by your committee and the place filled up with some other man, I will withdraw. I don't want the nomination with any taint to it." They assured me of that, and I believe a resolution was offered and carried at a meeting that they had, and thereupon I sent in my withdrawal to Harrisburg.

Q. What taint did you think there was connected with that method of getting the nomination?—A. If the county committee didn't indorse me and the State committee took no action, I certainly would not want their nomination.

Q. Were any objections filed at Harrisburg to your nomination on the Keystone ticket?—A. There were objections filed.

Q. Were they acted upon?—A. They were not as far as I know; I never appeared there.

Q. By whom were they filed?—A. I don't recollect, by the general State committee I believe.

Q. By the general State Keystone committee?—A. I believe so.

Q. Was there a ruling made by the court?—A. I couldn't tell you, I was never there in person or by counsel.

Q. Don't you know that there was an adverse ruling to you by the court in Harrisburg?—A. No, not before my withdrawal I am very sure.

Q. Did you account for that \$10 paid to your brother for going to Harrisburg on a political mission?—A. That was purely personal traveling expenses.

Q. It was political traveling expenses—your political traveling expenses. How much did it cost you to file that paper at Harrisburg?—A. I can't tell you.

Q. About how much?—A. I don't think that it cost anything. It costs nothing. To the best of my recollection I believe it costs nothing.

Q. But at any rate, if it did cost anything you didn't account for it?—A. That would be the inference, yes, sir. If it did cost anything I didn't account for it.

Q. And you didn't account for this \$10 which was expended by your brother in going down there?—A. I did.

Q. How?—A. In traveling expenses.

Q. In your traveling expenses?—A. In my traveling expenses.

Q. You included his travelling expenses with yours?—A. I did in that case, yes. He followed me to Harrisburg on a later train.

Q. I direct your attention to check No. 3646, August 18, 1919, Chas. C. Boyle, treasurer St. Ann's Roman Catholic Church, of Freeland, \$5. Was that a political expenditure?—A. No.

Q. What was it?—A. A subscription made to the St. Ann's Church of Freeland.

Q. Had you ever made one before?—A. Never.

Q. And you made it by reason of your being a candidate, didn't you?—A. No, I made no such subscription by reason of being a candidate.

Q. Why did you make that subscription?—A. Because they were very kind to me in Freeland when down there.

Q. On political business?—A. I was there on political business.

Q. And some members of that church treated you kindly?—A. They did.

Q. And you made that contribution to the church by reason of their kindness to you?—A. I did it voluntarily, and not for any political consideration.

Q. Did you account for that as a political check?—A. No.

Q. Check No. 3645, Chris. Keating loan. Who is he?—A. A man living in Larksville, a client of mine.

Q. Was he working for you at the polls?—A. No.

Q. Did he work for you at the polls?—A. I don't know; I don't think he did; I have no knowledge of it.

Q. Where did you loan him this money?—A. In my office.

Q. Did he ever return it?—A. I can't tell you now whether he did or not. My recollection is that he did return that money when he paid me a fee subsequently.

Q. Check of August 22, Wm. S. McLean, Jr., for a loan to Stanley Drajuski. Had that anything to do with politics?—A. No.

Q. Is there any evidence of a loan?—A. Yes; the check was given—it was given to Drajuski on a judgment against—I don't recollect it, but you will find it on record in the courthouse.

Q. It was purely business?—A. Purely business.

Q. Check No. 3651, September 2, Courier-Herald, labor and advertising, \$21.—A. That is not accounted for in my account.

Q. Why not?—A. It was overlooked in making out my account.

Q. This item which you overlooked appears in your personal check book?—A. It does.

Q. But in going over it and making up your account you overlooked it?—A. I overlooked it. I made up my account hastily, and I was very sick, but I wanted to make out the accounts, and I overlooked that.

Q. Check No. 3654 to Rev. Joseph A. Sarkolski, subscription to St. Stanislaus Polish picnic, \$5. Was that political?—A. That was a subscription made long prior to that time—I don't recollect the month, but prior to the primaries—and Paul Schmitt called my attention to it at the time that check is drawn, and I gave him a check for it.

Q. About when was this that you subscribed to it?—A. I can't tell you now, but it was some time prior to that.

Q. That was in September, was it?—A. I couldn't tell you.

Q. Well, you were a candidate?—A. My only recollection is that Schmitt—no; I think I recollect the circumstances exactly now, outside of the date. In my mail some months prior to that time was a letter inclosing some tickets to this organization and I had—no, the letter accompanying these tickets was misplaced in my office. I never thought anything more about it until one day about that date, when Paul J. Schmitt said to me, you have 5 or 10 tickets, McLean—or whatever it may have been—for a certain picnic, and I said I didn't recollect it, but I went over the papers in my office and found that letter and sent him a check for \$5.

Q. Did you go to the picnic?—A. No.

Q. Did you send anybody to the picnic?—A. No.

Q. Check of September 7, 1910, marked political, you say in the same way as you say about the other checks you testified to?—A. Yes.

Q. And I suppose that applies to all the checks in your book, marked and drawn to yourself, and marked "political"?—Yes.

Q. No. 3602, September 13, 1911, to Abel P. Buynon, subscription to Missionary League. What was that? It was \$2.—A. I don't recollect whether that was—I think that was a missionary girl they were sending out. Buynon, the father, was a client of ours and we subscribed \$2.

Q. Buynon was at your office and was interested in you in politics?—A. I don't know; I never saw him.

Q. Wasn't he a watcher for you at the election?—A. I don't know.

Q. You know he is a Republican?—A. I don't know his politics. We had a damage suit for his father, who was run over by a carriage, and a suit for his father relative to a change of street—Buynon v. Joyce. It is to enjoin Joyce from building on what Buynon claims to be the highway.

Q. Abel Buynon you have no lawsuit for?—A. I think the name of our client is that; it is Buynon.

Q. How do you know this man's name is Buynon?—A. I can't tell you.

Q. You don't know that young Abel was not a watcher for you at the polls?—A. No.

Q. Check of September 13, marked political, \$25. That is accounted for as heretofore?—A. Yes. I might say relative to Buynon, whatever his first name may be, the man referred to as a watcher, that he told me after election some time that he worked for Bowman, and had a carriage for Bowman in Pittston, and that is all I know about him. He told me that at the office.

Q. Check of September 21—that is marked to yourself, political, and is accounted for also as you have already testified?—A. Yes.

Q. Check No. 3676, marked "political," drawn to yourself for \$25. That was used in the same way?—A. Yes.

Q. Check No. 3675, September 28, 1910, to Nellie Burke; that was a subscription to the Pittston Hospital of \$10. Was that political?—A. No.

Q. What was it?—A. A subscription to the Pittston Hospital.

Q. When did you subscribe to the Pittston Hospital prior to that date?—A. Never. I was never solicited for a subscription prior to that time.

Q. As a matter of fact you were solicited because you were a candidate?—A. I don't know; I didn't give it because I was a candidate.

Q. You didn't give it—you know you were solicited because you were a candidate?—A. I don't know; our office is solicited a good deal, whether we are candidates or not.

Q. Check No. 3690, dated October 3, payable to yourself and marked "political," for \$25; that was as you have testified with reference to the other checks marked in the same way?—A. Yes.

Q. And your testimony would be the same as to the check of October 8, payable to yourself and marked "political," for \$25?—A. Yes.

Q. Check stub No. 3700, October 8, 1910. Stearns, three cuts, \$2. Was that for political purposes?—A. No.

Q. What cuts were you having made?—A. I don't know, because that was for photographs.

Q. It is marked on your stub, three prints for cuts.—A. That is what I got, three pictures.

Q. They were for the purpose of having cuts made to be used in the political campaign, were they not?—A. I don't think so.

Q. They were your own photos?—A. Yes.

Q. And you had a photographer strike off three for you?—A. Three photos, yes.

Q. And you wanted to use them so you could have cuts made that you could use in your political campaign?—A. I can't tell what they were used for.

Q. At any rate it is not accounted for?—A. No.

Q. Did you use these to have cuts made from?—A. I can't tell.

Q. The check of October 13, 1910. Geo. F. Buss, Scrantonian, political. \$20.70, the check is drawn to Geo. F. Buss, that was for publishing in the Scrantonian?—A. I believe so.

Q. Is that the only money that you paid to the Scrantonian for advertising?—A. I don't know; couldn't tell you.

Q. Check 3718 for \$25, and 3717 for \$25, and check 3723 for \$25 are all drawn payable to yourself and marked "political," and your testimony would be the same as to the other checks of similar character.—A. Are they all prior to November 8?

Q. No, the last one is November 11, marked political.—A. I think that one drawn on November 11, I believe I put political in there, but that was for my house, for my family account. I don't think that has anything to do with politics. I was sick in the house, in bed, and I think it was for household expenses purely.

Q. Check No. 3743, November 28, 1910. Nanticoke Store Co., cigars for Company K, Lieut. Waters, political, \$2.25?—A. Yes.

Q. What was that for?—A. Cigars for political purposes.

Q. Were the cigars distributed before election?—A. They were expected—I expected to be at a meeting of Company K at drill night, and I told Lieut. Waters to have a box of cigars there, but on account of sickness I was unable to be there, and Lieut. Waters had to distribute the cigars, and he sent me the bill for it and I paid him. I included that in my personal expenses of going around the county.

Q. Did you have many such personal expenses, purchasing boxes of cigars for distribution among the voters?—A. I don't recollect very many.

Q. About how many boxes of cigars did you distribute?—A. I don't recollect any other expenses of that kind. If I had been there myself I should have distributed the cigars myself, but I was not there, and Lieut. Waters distributed them for me.

Q. You don't make any bones about it. It was done for political purposes?—A. Not particularly; I give cigars in and out of politics. I have been connected with the Ninth Regiment for nearly 15 years, and when I visit around, either in or out of politics, I give them cigars.

Q. Check No. 3832, dated February 4, 1911. Robert Bauer & Son, cards, city candidates. That is \$19.50, and is a political expenditure.—A. That was a political expenditure that was made not for me or with my knowledge, and I knew nothing about it until I got the bill from Bauer & Son stating that it had been contracted by William J. Butler for the city candidates, and William J. Butler had exceeded his office as city chairman. I paid the bill, as I didn't want Bauer & Son to be stuck for it.

Q. It was not included in your account?—A. I knew nothing about it and it was not in my personal expenses at all.

Q. It was a political expense?—A. Not of mine.

Q. You had your cards printed?—A. Not at that time and it was not on that bill.

Q. You heard Butler testify yesterday that he had a great number, or some, bills and tickets printed with your picture on, and those of the city candidates, and distributed around the city polling places?—A. I heard him so testify.

Q. And you got the benefit of it, didn't you?—A. Not in that bill.

Q. Well, it had your picture on, didn't it? These cards did for which you were submitted a bill?—A. I don't so understand.

Q. I will give you the receipt from Robert Bauer & Son.

Q. Why did you put on your check stub, "Cards for city candidates and self," if it didn't pertain to you in any way?—A. Because I was satisfied when I paid that bill that I owed it.

Q. You say that you have since learned that your picture did not appear with the city candidates?—A. I am so informed that it didn't.

Q. Who informed you?—A. If you will wait a minute I will give you the bill and you can see what that says.

Q. Then you had the bill when you made this check out?—A. Not with the notation on it. [Witness produces paper.] This is the bill of R. Bauer & Son, which I received in January, 1911, reading: "Sold to George R. McLean, Esq., No. 51910, 1,000 11 by 14 cards, \$12; 100 full-sheet cards, with city candidates, \$7.50; total, \$19.50." Upon receiving that bill in January I wrote Robert Bauer & Son that I had no knowledge of such a bill and had paid them in full. Upon this same bill this notice is made, in reply to the letter just quoted: "W. J. Butler ordered the full-sheet cards with Weltzel and Stack on and told us to charge to you. If this is not O. K. kindly let me know at once so I can arrange matters with Butler." Signed Geo. R. Kirkendall, who is a partner in the firm of Bauer & Son. Upon getting this answer I sent them my check on the 4th day of February, 1911, after ascertaining that Butler had no funds in his hands.

Q. On this bill from which you have just read there appears the item: "100 full-sheet cards with city candidates, \$7.50."—A. Yes.

Q. Will you say that your picture did not appear on these cards?—A. I was informed at the time I drew the check that it did.

Q. That is all. That it did?—A. Yes; but I understood afterwards that it did not. I have seen one of the cards, and it has not my picture on. I was not around you know, personally.

Q. Check No. 3855, Square Print Co., marked "In full, \$2.25." Was that a balance on your political account? You have it right there in your hand.—A. Yes.

Q. That was the balance of your political account?—A. It must be. There seems to be an item of November 8, 1910, for 1,200 cards, sent to me on January 4, 1910, for \$2.25, that was more than a month after I had filed my account; and for an item which I neither ordered or knew anything about, but which I paid when they presented their bill to me.

Q. Now, what matters you have been examined on here this morning, taken in connection with your account, wherein such matters as you have said this morning are political expenses, that covers your entire political expenses, does it? I mean taken in connection with your account?—A. Yes.

Q. Are there any outstanding bills that you know of now that are unpaid?—A. None whatever.

Q. How did you pay your brother the \$3,500; by check?—A. I paid my brother \$3,500 in this way: On February 26, 1910, a time at which my brother was confined in a hospital in Scranton, undergoing an operation, notice was received at our office that a note of his for \$5,000 was due at the Citizens National Bank of Lehighton, Pa. My brother could not send to get a renewal, and I sent the Citizens National Bank of Lehighton, on February 26, 1910, a check for \$5,000 and took up and paid off the note. My brother gave me, at a later date, a note for \$5,000, and has paid on that note \$1,500, and the \$3,500 is the \$3,500 that I took credit for and charged myself with paying him in that campaign.

Q. Do you remember about when he paid you the \$1,500?—A. Very distinctly.

Q. I wish you would tell us?—A. I can't without referring to his checks.

Q. I mean did he pay it to you all at one time?—A. No, he paid me \$1,000 during the campaign, and then I told him to take \$3,500 for the campaign expenses; not to exceed that. And afterwards he paid me the balance of \$500.

Q. So he paid you in full \$500?—A. He paid me directly \$1,500.

Q. And he used the balance of what you had advanced to him or for him, in your political campaign?—A. Yes.

Q. What position did he hold in your political campaign?—A. My treasurer.

Q. Who appointed him?—A. I did.

Q. On what authority did you pay him this money to use for you?—A. By the authority of the act of assembly covering that.

Q. Which act of assembly?—A. The act of 1906.

Q. He was your individual treasurer, was he?—A. We had no committee—the Democrats.

Q. You had no committee?—A. No.

Q. You had a county chairman?—A. We had a county chairman.

Q. What I mean is this: Your brother was your treasurer, individually, as he so signs his account, and he was not the chairman of any political party?—A. He was the chairman of George R. McLean, candidate for Congress.

Q. He was the chairman of no political party?—A. We had no political committee appointed other than the officers. The only political committee that the Democratic Party had at this election, to the best of my knowledge and belief, consisted of a chairman, a vice chairman, a treasurer, and a secretary; or I believe it was called an executive committee of the Democratic Party. Whether or not they filled out that committee by adding other names, I don't know.

Q. In other words, your treasurer paid this money, not as chairman of any political party, but as your individual treasurer?—A. I don't know.

Q. Don't you know whether he was treasurer for any political party?—A. He was appointed treasurer the same way as E. J. Moore was appointed.

Q. By you?—A. Yes.

Q. Do you know of any meetings of the political party?—A. I presume they had a great many meetings.

Q. Was he treasurer for the county committee?—A. As I have stated we had no county committee to my knowledge other than this executive committee.

Q. Will you name the committee for which he was treasurer, if there was such a committee?—A. The only ones that I recollect and the only ones I appointed I have stated. Whether they filled it out or not I don't know. Added any names.

Q. To be perfectly frank, you gave this money to be used for you individually to your brother?—A. Oh, no; for the Democratic Party.

Q. Was he to pay this out in the interest of any other candidates?—A. Of the whole party.

Q. Was he to use this \$3,500 in the interest of Mr. De Witt where he could, too?—A. If De Witt was a candidate for senator, undoubtedly.

Q. And did you get anything in return from De Witt for that?—A. Nothing whatever.

Q. Did you have any understanding with De Witt that your money and his was to be used jointly?—A. No.

Q. Why did you permit your money to be used thus if you had no understanding with De Witt?—A. If you refer to the \$1,250.

Q. No; we will come to that later on. We are referring now to the \$3,500.—A. We will get to it right away if we get to it all.

Q. You say now that your brother was instructed to use the \$3,500 which you gave him for all the candidates as well as yourself?—A. Undoubtedly.

Q. And whenever he put parts of that in the district in which De Witt was running for senator it ran to De Witt's interests, as well as yours?—A. Under the circumstances it would.

Q. Did you see your brother's expense account before it was filed, or had you gone?—A. I never saw my brother's expense account until after my return.

Q. When did you first see it; how long after your return?—A. I couldn't tell you that.

Q. Check No. 3898, dated March 15, 1911, to Thomas L. Shields, witness fees, witness in contest, \$2.25. The check was drawn for \$4.50. What was that?—A. That had nothing to do with the campaign. He was at the contest.

Q. Shields is the witness who has already appeared in this case, in your behalf?—A. Yes.

Q. Do you know what the statute governing contested elections allows for a witness fee?—I do.

Q. What is it?—A. Seventy-five cents a day.

Q. How many days was this man in attendance, on your behalf, at this contest?—A. Two.

Q. Where does he live?—A. Edwardsville.

Q. What is the mileage allowed by the United States statute?—A. The same as the State statute.

Q. You have been county comptroller?—A. Yes.

Q. What would this witness be entitled to, over and above the \$2.50, for his two days?—A. He would be entitled to draw from the Government. If I prevailed in this contest, \$1.50 for two days' services as a witness, and about 72 cents as mileage.

Q. Well, why did you pay him more than that?—A. Because I requested his general manager in the Electric Light Co. to let him off, and when I came to settle with him for his fees I found out what his wages per day were, \$2.25, and I gave him a check to cover his wages.

Q. You didn't make any special instance of him in that respect?—A. I would pay all my witnesses what they can earn. I don't ask them to serve me for 75 cents a day.

Q. Then I understand that you expect to pay all the witnesses what their regular wages are?—A. Certainly I do.

Q. Did you have any conversation with Shields's mother relative to his coming to Wilkes-Barre?—A. I did.

Q. Where?—A. At her place in Edwardsville.

Q. How did you come to go to her place?—A. I knew that he was an election officer in the district which is notoriously crooked and was at that time, and I went to Shields's house in Edwardsville and young Shields was not at home. I waited for him for at least two hours, and during that interval I had some conversation with his mother.

Q. Did you tell her that if he came over and testified for you you would see that he got a trip to Washington?—A. No; I might say there that I think his mother asked me whether this would make him any trouble, and I believe that I told her no, other than it might be that they might have to go before the congressional committee at Washington.

Q. Did you tell her that you would pay his expenses if he had to go to Washington?—A. No.

Q. Did you say, "We may have a trip to Washington"?—A. I believe she asked me, and I told her it might be we may have to go to Washington.

(Hearing adjourned until 10 a. m. Saturday, Mar. 25.)

SATURDAY, MARCH 25, 1911.

Hearing resumed at 10 o'clock a. m. at the sheriff's sales room, courthouse, pursuant to adjournment of Friday, March 24.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., John H. Dando, Esq., and Wm. L. Bowman, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John T. Lenahan, Esq., counsel for contestant; George R. McLean, Esq., contestant, in person.

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To GEORGE R. MCLEAN, contestant, or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, Esq., and JOHN E. JENKINS, Esq., his attorneys:

You are hereby notified that on Saturday, March 25, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's sales room) in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may hereafter be subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commission and acting as such, and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose names and places of residence are as follows:

Moritz Schultz, Wilkes-Barre, Pa.; Joseph Freeman, Duryea, Pa.; John Shymonovich, Plymouth, Pa.; B. W. Davis, Kingston, Pa.; John A. McGroarty, Edwardsville, Pa.; Mose Solomon, J. J. Murray, Roger Dever, George Wagner, Olin G. Harvey, and Elias Cohen, Wilkes-Barre, Pa.

C. C. BOWMAN, Contestee.

Service accepted March 23, 1911.

GEORGE R. MCLEAN, Contestant.

Digitized by Google

B. W. DAVIS, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You are a member of this bar?—A. I am.

Q. And you were Mr. McLean's opponent for the nomination on the Democratic ticket at the primaries?—A. I was.

Q. Did you receive any money from or for George McLean in the last campaign?—A. I believe that I did.

Q. From whom did you receive it?—A. I am not clear as to who I received it from.

Q. Can you recollect the circumstances under which you received it?—A. I believe to the best of my recollection that I received it by check either from Mr. George McLean or his brother, William McLean.

Q. By check from George McLean, or his brother, William?—A. Yet.

Q. You didn't receive it by check from Mr. E. J. Moore?—A. I didn't.

Q. You are positive about that?—A. I am quite sure about that.

Q. Did you deposit the check you received to your account?—A. I don't know.

Q. Don't you recollect any of the circumstances attendant upon the giving of that check to you?—A. No; I don't.

Q. Where was it given to you?—A. I am not clear on that.

Q. By whom was it given to you?—A. I believe it was left at the office. I don't think it was handed to me in person by anyone; I think it was left there.

Q. Had you made any arrangement with anybody whereby it should be left at your office?—A. I don't think so.

Q. Did you know that it was coming?—A. I don't know; I think I was spoken to a couple of days before that.

Q. By whom?—A. I don't know that, but that is my impression, that I had been spoken to.

Q. Where was the man when he spoke to you?—A. That I don't recollect.

Q. What did he say to you?—A. I don't remember that.

Q. Have you no recollection at all as to what the man said or told you, that you were going to get this money?—A. No; I have not.

Q. What did he say you were to do with it?—A. I don't know; I don't remember that. All that I can give you is merely the impression that I have now. I couldn't give you any conversation, but the impression that I have with me is that I was to receive the check to take care of Kingston Borough in reference to poll men. That is the general impression I have in mind, but any specific conversations I can't recollect.

Q. How long before the election did you get that check?—A. That I couldn't tell you.

Q. Well, about how long before?—A. It may have been the day before, or it may have been the Saturday before.

Q. And you are sure it was a check?—A. That is my impression.

Q. Where did you get it cashed?—A. I can only give you my best judgment on that, but I should say that I probably had it cashed at the Wyoming Valley National Bank. That is the bank I do my business at, but to be positive of that, I would not say.

Q. And you used the money for poll men in Kingston Borough?—A. I believe I did; yes, sir.

Q. Don't you know whether you did or not?—A. I haven't anything in the way of a clear recollection of it; no.

Q. Do you know of anybody that you employed?—A. No; I can't recollect any person I employed.

Q. You have been a candidate for office yourself on at least two occasions, for county office?—A. I believe that is what—I have. Yes. That is, I have been named on the ticket as a candidate; I was only a real candidate once for the nomination.

Q. Is there any way, Mr. Davis, that you can recollect now whose check it was?

Mr. LENAHAN. He has told you all that.

Q. You can't recollect whose check it was or who brought it to you or what you did with it?—A. Well, that is a general summing up and yes, that is correct.

Q. How long have you lived in the borough of Kingston?—A. Well, I lived in Kingston Borough ever since I came to the borough.

Q. How many years?—A. I can't fix the exact time.

Q. Approximate it?—A. Since 1893.

Q. How long have you been borough attorney for Kingston Borough?—A. Well, upward of 10 years at least.

Q. And you are pretty active in local politics, are you, over there?—A. Why, I don't consider myself such, no.

Q. You have to be to hold the job, don't you?—A. No; not in Kingston you don't have to be.

Q. Now you know pretty nearly every Democratic worker in Kingston Borough, don't you?—A. No; we have new workers who rise up there every year.

Q. You have new workers?—A. Yes.

Q. But you can't recollect a single man to whom you paid this money?—A. No, I can't.

Q. And you can't recollect in what amount you paid it out?—A. No, sir; only just in a general way, I judge, considering how these things have been done by me formerly that I gave a recognized price to all.

Q. Had you ever paid out money for such a purpose before?—A. I believe that I did years before when I was a member of the county committee.

Q. Did you pay it out to Democrats or Republicans?—A. I usually take care of the Democrats.

Q. Can't you recollect now?—A. I told you I couldn't. No; I can't.

Q. Since you can't remember how you spent 1 cent, are you sure that you spent it for poll men? Do you know what you spent that money for?—A. As I said, it is just my impression that I have with me is that I spent it for poll men.

Q. And that is as much as you can tell us about that money?—A. That is all the definite information I can give you about that money.

Q. Do you recollect who the Democratic workers were at the particular poll at which you voted last election?—A. I wasn't around the poll much at the last election.

Q. Let me ask you one more question as to that check, to refresh your recollection. Do you remember getting the check cashed without indorsing it?—A. Now, if I could see the check I could tell you.

Q. At any rate, you think it was George McLean's check; it was either the check of the contestant or William S. McLean?—A. That is my impression: yes, sir.

Q. And it was \$40, was it?—A. That has been my impression all along, that it was \$40; yes, sir.

Q. Isn't it a fact now that you got \$40 from Ed. Moore and \$40 from the McLeans by check?—A. Well, I think that if I had gotten \$40 from each one of them I think that would have been impressed on my memory, but it is not at all, and I should say not.

Q. You should say not, but you are not quite sure about that?—A. I am quite positive, because I have no recollection at all of getting any money except what was received from one of the checks of McLean. I am quite sure of that.

Cross-examination by Mr. LENAHAN:

Q. You and Mr. McLean were rival candidates at the Democratic primaries for the nomination for Congress?—A. Yes.

Mr. LENAHAN. I now ask to have put on the record the following request, that this testimony of Mr. Davis be expunged from the record, for the reason that it is not pertinent or relevant under the issue as presented in the petition of the contestant and the answer of the contestee.

Mr. JOSEPH FREEMAN, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You live in Duryea Borough?—A. Yes.

Q. What business are you in?—A. The wholesale liquor business.

Q. How long have you lived there?—A. Ten years.

Q. What official position do you hold in the borough?—A. Burgess.

Q. How long have you been burgess?—A. About four years.

Q. You received some money to expend on behalf of Mr. McLean in this campaign?—A. Yes.

Q. How much?—A. \$100.

Q. Did you expend it?—A. Yes.

Q. How?—A. Poll money to watchers.

Q. To watchers?—A. Yes.

Q. How many watchers did you employ?—A. I employed in the first ward Jonah Stoll and paid him \$5; Louis Botnisky, \$10. In the second ward, John

Sukwitch, Jr., \$10; John Sumonski, \$10. Third ward, Michael Horn, \$10; Patrick Lang, \$5; James Murphy, \$5; Roy Bowman, \$5; John Swatwek, \$5. In the fourth ward. Michael Kelly, \$5; Patrick Monahan, \$5. Fifth ward, Michael Jackson, \$5; J. McWaters, \$5; Joe Garret, \$5; Henry Gilhooley, \$5.

Q. What does Gilhooley do?—A. Works in the mines.

Q. You employed these men as watchers at the polls?—A. As watchers for McLean; yes.

Q. Does that make up the whole \$100?—A. I think it is \$95.

Q. Did you employ any other man for the other \$5?—A. Well, I gave out a dollar or two to fellows that I told to do a little something, whatever they could.

Q. Do you recollect who they are?—A. No; I can't very well now.

Q. You spent that money in giving out a dollar or two here and there?—A. Yes.

Q. To work for McLean?—A. Yes; to work for McLean.

Q. Did you spend any of your own money?—A. Well, I do that right along.

Q. At this time—for this election?—A. No.

Q. Why didn't you spend some this time if you did right along?—A. I thought that was enough to spend—\$100 in one district.

Q. Then, this time you didn't spend any of your own money?—A. No.

MR. LENAHAN. We move that this testimony of Mr. Freeman be expunged from the record, for the reason that it is not pertinent and irrelevant and incompetent under the pleadings in this case.

MR. MOSES SOLOMON, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. Jones:

Q. Where do you live?—A. In the third ward, this city.

Q. What is your business?—A. At the present I have no occupation at all.

Q. What has been your business?—A. I didn't do anything for the last three or four years.

Q. You have been a Republican officeholder?—A. Some time ago; yes.

Q. You were deputy sheriff?—A. Court deputy.

Q. It was a Republican appointment, was it?—A. It was.

Q. Are you a Republican in politics?—A. I have been.

Q. You have been. You are not now, are you?—A. I am.

Q. I believe you received a sum of money from McLean prior to the election, from George McLean's brother, to use for Mr. McLean's behalf?—A. I did.

Q. How much?—A. \$160.

Q. How did you get it—by check?—A. By check.

Q. When did you get it?—A. Either on Thursday or Friday preceding the election.

Q. What were you to do with that money?—A. Hire poll men.

Q. Where?—A. Up in the city wherever I am acquainted.

Q. In the city of Wilkes-Barre?—A. Yes.

Q. Did you hire the pollmen?—A. Yes.

Q. For McLean?—A. Yes.

Q. You hired what is known as extra watchers, did you?—A. Yes.

Q. About how many did you hire?—A. I have my receipts here. [Witness produces papers.]

Q. I wish you would give me each man's name.—A. I will, and his residence and occupation.

Q. Just the name, to whom you paid it, where they live, and where they work.—A. William H. Eddy, first district, third ward, \$10. He is employed as an electrician and lives on North Welles Street. John A. Miller; his place is on North Welles Street, \$10; first district, third ward. I am calling that.

Q. Why did you pay them \$10?—A. I always paid my man according to his ability. If I know he is a good worker I give him \$10.

Q. Then where you gave a man \$10 it was always for himself?—A. Yes.

Q. Who is next?—A. Val Apple. He is an axle worker also in the same district.

Q. How much did you give him?—A. \$10. Now comes the second district, third ward. John Kazlinsky, \$5; Peter Swartz, plumber, second district, \$5; Stanley Yuezib, \$10; second district, third ward. Charley Boubugucki, \$10; second district, third ward. I paid John Porter \$10, third district, third ward. Now comes the first district, sixth ward. Sam Goldman, \$10; and here I have a receipt from a gentleman I had John Bausch engage for me, a poll man

by the name of Chris Lockhart; first district, sixth ward. I wrote him to engage him, and I didn't have the money then and told him I will give the money for that purpose to John Drier, which I did, and here is the receipt.

Q. How much is that?—A. \$10 for Chris Lockhart and \$5 to John Bausch for the dissemination of information, a total of \$15 I paid.

Q. You gave Bausch \$5?—A. I didn't give it to him personally, but that was the understanding, and he got it.

Q. What was he to do with that \$5?—A. Bausch was for McLean, talking for McLean, and taking an interest on election day, and I had that paid him.

Q. Then he worked at the polls?—A. Yes; exactly.

Q. He is a Republican?—A. Well, there are lots of Republicans last fall that did that—hundreds of them.

Q. He is a Republican?—A. I don't know.

Q. Don't you know that he was deputy prothonotary; don't you know he was?—A. For Walser, a Democrat.

Q. He was a deputy prothonotary?—A. I know that.

Q. Under a Republican official?—A. Also under a Democratic official.

Q. How long have you known John Bausch?—A. For the last 15 years or more.

Q. And he is known as a Republican, isn't he?—A. I can't tell what he is.

Q. Now, you say you hired these men, and you have accounted for \$65. What did you do with the other \$65?—A. I considered my own services was worth something; I was working for McLean for nearly five months up to this time, and I hadn't received a penny.

Q. Then you took the \$65 for your own services?—A. For my personal services; yes.

Q. And you worked for McLean?—A. Yes; I gave him faithful services for five months.

Q. And you traveled from place to place, making an appeal to the voters, both Republicans and Democrats?—A. Yes.

MR. LENAHAN. We make the same motion with respect to this testimony, to have it expunged from the record as not being pertinent or relevant and incompetent under the pleadings in this case.

Cross-examination by Mr. LENAHAN:

Q. Mr. Bausch had been, for a short period of time preceding the election, working in the prothonotary's office?—A. He was.

Q. And this three years preceding the election that he worked in the prothonotary's office was most of the time as an employee under a Democratic holder of the office, Mr. Walser?—A. He was in the employ of Mr. Walser; yes.

Q. A short time before the election he was fired?—A. Yes.

Q. By the Republican successor of Walser?—A. Yes; the Republican gang got it.

Q. Isn't it a fact that from the time that George McLean announced his candidacy that you were a supporter of his, no matter who was nominated?—A. Yes; I have known him for 12 years, and he has been a good friend of mine.

Q. You worked for him at the primaries?—A. Yes; and also on registration day.

Q. How many are there?—A. Three; and I spent all my time at his office during the last three months preceding the election.

Q. You are a Hebrew?—A. Yes.

Q. And you are well acquainted among the Hebrew voters in the county?—A. Yes.

Q. Of whom there are a great many in this county?—A. Yes.

Q. And you visited most of them and devoted most of your time to the propagation of Mr. McLean's candidacy among them?—A. Yes, sir.

Q. Both before the primaries and after the primaries up to the general election?—A. Yes.

Q. And among the Hebrew workers whom you employed for McLean was one named Goldman?—A. Yes.

JOHN F. McGROARTY, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You are in the insurance business?—A. Yes.

Q. And live in the borough of Edwardsville?—A. Yes.

- Q. Did you handle any money for McLean in the last campaign?—A. Yes.
 Q. How much?—A. \$65.
 Q. From whom did you receive it?—A. John J. Moore.
 Q. How did you receive it, by check?—A. Yes.
 Q. Where did you expend it and how?—A. For poll men in Edwardsville.
 Q. Can you give the names of some or all of the poll men you hired?—A. Yes; all of them.

Q. I wish you would.—A. In the first ward, Wm. Miles.
 Q. He isn't a Republican, is he?—A. No, sir; he is a Democrat. This man worked in the mines of the Kingston Coal Co. He got \$5. A Polish fellow by the name of Frank Doon, \$5.

Q. What does he do?—A. He is an insurance agent. Both these men worked in the first ward of Edwardsville. In the second ward, M. J. Kelly, \$5.

Q. What does he do?—A. He runs a saloon at the present time, but he was then in the breaker, Tony Gallagher, \$5. He works in the mines as a miner. In the third ward, Thos. Hines, \$5. Thos. Nolan, \$5. Both these men work in the mines. In the fourth ward, Miles Bilbo, \$5.

Q. What does he do?—A. Works in the mines.

Q. Is his brother Martin Bilbo, the hotel keeper?—A. Yes. James Maloney; he also works in the mines, \$5. These two were poll men in the fourth ward. In the fifth ward, Peter Murphy, \$5; he works in the mines. In the sixth ward, Thos. Murphy and Charles Duffy, \$5 each.

Q. They work in the mines?—A. Both work in the mines.

Q. By the mines you mean the coal mines?—A. Yes; surely.

Q. I know what you mean, but I wanted it on the record.—A. In the seventh ward, Thos. Holleran and Wm. Brown, \$5 each. They both worked in the coal mines. That is McLean's money.

Q. Did you have any other money in the campaign?—A. I had some money for De Witt, of Plymouth.

Q. From whom did you get that?

Mr. LENAHAN. This is objected to, and I say to the witness that he is not obliged to answer if he don't want to.

Q. Do you refuse to answer?—A. No; I will answer it if you wish.

Mr. LENAHAN. You need not if you don't want to. You can satisfy yourself about that.

A. Yes, I can tell you where I put every cent of it, if you want to know.

Q. How much was it?—A. \$40.

Q. We only want to know about that. When did Moore give you that money? You say you got both sums of money from him?—A. Yes.

Q. Did he give you them in two separate checks?—A. I got it in two checks; yes.

Q. Well, the men that you employed for McLean—did you employ them for McLean and DeWitt or for McLean alone?—A. These men were employed for McLean that I named for you; that is with, the \$65.

Q. And the men whom you employed for De Witt you say were to work for him alone?—A. Yes.

Q. And not for McLean?—A. Well, they were all Democratic men whom I employed.

Q. As a matter of fact the whole \$105 that you received was to be used in Edwardsville Borough for watchers for McLean and De Witt, wasn't it?—A. Yes.

Q. I wish you would give me the names of the men you paid the other \$40 to, and the wards.—A. In the first ward I had a fellow named Andrew, a Polish fellow; I don't know his last name. I gave him \$5. In the second ward Michael McGroarty, \$15.

Q. What is his business?—A. Furniture business.

Q. Was he to hire other watchers or keep that for himself?—A. Yes; for services that he rendered.

Q. He was to have that for his own services?—A. Yes.

Q. Staying at the polls for McLean and De Witt?—A. Yes; and in the third ward I had a Polish or a Lithuanian fellow named Joe; he works in the mines; I don't know his last name; I gave him \$5. In the fifth ward I had a fellow named Mike something, and he works in the mines.

Q. He is Polish?—A. Yes.

Q. It is a foreign name?—A. Yes; I can't recollect the last name; I gave him \$5.

Q. But you know the man?—A. Yes; and I had a fellow named Alex in the second ward; he was Polish, and I gave him \$5.

Q. Is he a miner, too?—A. He works in the mines; yes.

Q. Is that all?—A. That covers it all, I believe.

Q. There is \$5?—A. I spent that myself for cigars.

Q. You spent that for cigars in advocating the candidacy of De Witt and McLean?—A. Yes.

Mr. LENAHAN. Counsel for contestee moves to have this testimony also stricken from the record on the ground that it is not pertinent or relavent and is incompetent under the pleadings in this case.

Cross-examination by Mr. LENAHAN:

Q. This \$65 you got of McLean's money was used specially with the watchers that you picked out for McLean?—A. Yes.

Q. They were to do special work for McLean at the polls?—A. Yes.

Q. And, of course, if they could do anything else for De Witt or anyone else on the ticket they were at liberty to do it?—A. Yes.

Q. But the money so paid to them was paid for McLean's interests, however?—A. Yes.

Q. And the \$40 you got from De Witt you paid out to men with instructions that they should do their work and see specially to the interests of Mr. De Witt?—A. Yes.

Q. And, of course, if they could secure votes for McLean that was all right?—A. Yes.

Q. But that was only incidental?—A. Yes.

Q. And De Witt was also the candidate on the Keystone ticket, wasn't he?—A. Yes.

Q. And that was given also with a view to furthering the Keystone interests, was it?—A. Yes.

Redirect examination by Mr. JONES:

Q. Do you know whether there were any regular Democratic workers at the polls other than the men you had?—A. I don't know of any.

Q. But, in fact, the whole \$105 was to be used by these poll men in advocating the interests of both McLean and De Witt, wasn't it? And they worked together?—A. I believe they did, yes; I believe they did.

Mr. MORITZ SCHULTZ, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. Where do you live?—A. In the sixteenth ward, this city.

Q. What is your occupation?—A. Foreman.

Q. For who?—A. The Stegmaier Brewing Co.

Q. In what capacity are you foreman?—A. In the bottling department.

Q. How many men have you under your employ?—A. About 65.

Q. And how many men are employed in the brewery altogether?—A. I can't say.

Q. The bottling department is across the street from the brewery and is separate from the brewery.—A. Yes.

Q. You are a Republican?—A. Yes.

Q. You are a Republican city committeeman, are you not?—A. No.

Q. You were?—A. No.

Q. You were active in Mr. Bowman's behalf in the primaries, were you not?—A. I was; yes, sir.

Q. And you employed poll men in his behalf at the primaries?—A. I did.

Q. And who paid them?—A. I did.

Q. At the election you were active in Mr. McLean's behalf, were you?—A. Yes.

Q. Why did you change?—A. Why, because McLean was a friend of mine. I didn't know Bowman, but I knew McLean to be a good friend of mine and I have known him for a good many years.

Q. Didn't Weigand speak to you about it?—A. No; he didn't.

Q. You went to the office of the Courier Herald Printing Co., in this city, and had some specimen ballots printed?—A. I did.

Q. For whom?—A. The company.

- Q. Did you order them sent over there?—A. I did.
 Q. How many did you order?—A. I don't know.
 Q. About how many?—A. About 500 or 1,000.
 Q. At whose suggestion did you order them?—A. On Weigand's suggestion.
 Q. Who is Weigand?—A. Manager of the Stegmaier Co.
 Q. He is general manager of the brewery?—A. Yes.
 Q. And his name is J. C. Weigand?—A. Yes; I believe so.
 Q. But he is generally known as Chris Weigand?—A. Yes.
 Q. How long before the election did you order these specimen ballots?—A. I really couldn't say.
 Q. About how long?—A. About two days or three days; two days, or something like that.
 Q. What did you do with them?—A. I didn't see them; I did not get them. They were delivered to Weigand; I ordered them for him and they were delivered to him, I think.
 Q. Do you know Stanley Yetter, of the Courier Herald Co.?—A. Yes.
 Q. Didn't you pay him in cash for these?—A. No.
 Q. And didn't he deliver them to you?—A. No.
 Q. Did you see any specimen ballots at the office of the Stegmaier Brewing Co.?—A. I did.
 Q. Which office did you see them in?—A. I saw them in the general office.
 Q. That is under the direction of Mr. Weigand?—A. Yes.
 Q. What was done with the specimen ballots?—A. I don't know; I took some of them.
 Q. What did you do with those that you took?—A. Took them over to the other side of the street and put them on the desk.
 Q. On the desk in your department, of which you are the foreman?—A. Yes.
 Q. Were they marked?—A. They were.
 Q. How were they marked?—A. They were marked for Tener, McLean, Shadrach, and Weitzel.
 Q. Tener was the Republican candidate for governor?—A. Yes.
 Q. And McLean the Democratic nominee for Congress?—A. Yes.
 Q. And Shadrach was one of the Republican candidates for the legislature from this city?—A. Yes.
 Q. And Weitzel was one of the Democratic nominees?—A. Yes.
 Q. Who marked these ballots that you thus testify about?—A. I don't know who marked them.
 Q. When you received them from the general offices of the brewing company, were they marked as you indicated?—A. Yes.
 Q. You had nothing to do with marking them?—A. No.
 Q. And you don't know who marked them?—A. No.
 Q. About how many did you take over to your department—the bottling works?—A. About 12 or 15.
 Q. Did you spend any money on behalf of McLean in the last campaign?—
 A. I didn't.
 Q. Did you receive any money from Weigand to be used for political purposes?—A. I did.
 Q. How much?—A. Somewhere less than \$100.
 Q. How much less?—A. About \$15 less; \$85 I think it was.
 Q. You received \$85 from Weigand?—A. Yes.
 Q. When?—A. I don't know the date.
 Q. How long before the election?—A. Probably a day or two.
 Q. Where did you receive it?—A. In the office.
 Q. What did he say to you?—A. I asked him for the money. I ask him—told him I wanted some money to hire some watchers for the local-option campaign, we being a believer in the Brooks high-license law and didn't believe in local option, and I took this money to go out and create a sentiment against local option.
 Q. Well, you were actively interested in McLean's candidacy, weren't you?—
 A. I was, from friendship toward him.
 Q. And of course it was a very close friendship, wasn't it?—A. Yes.
 Q. You know that Weigand was still closer to McLean than you were?—A. Yes.
 Q. Their friendship had existed, to your knowledge, for a long time prior to your own friendship for McLean?—A. Yes.
 Q. And both socially and in a business way, Weigand and McLean were connected, and were closely connected?—A. I believe so.

Q. McLean and his father have been counsel for the Stegmaier Brewing Co. for a great many years?—A. They have.

Q. Perhaps before you were born, his father? Well, didn't Weigand speak to you about the candidacy of McLean?—A. He didn't.

Q. You knew that he was interested in it?—A. I certainly did; that is the reason I took a hand in it.

Q. That is the reason you took a hand in McLean's election?—A. Yes.

Q. Because Weigand, your superior, was interested in it?—A. No; not only that.

Q. That was one of the reasons?—A. Yes.

Q. That is one of the reasons why you changed from Bowman to McLean, wasn't it?—A. Yes.

Q. What did you do with that \$85?—A. Used it out for pollmen for to help out the fight for local option.

Q. You employed pollmen where?—A. In the sixteenth ward.

Q. Any place else?—A. Well, I don't recollect; I may have; yes.

Q. How many districts in the sixteenth ward?—A. Four.

Q. Did you spend the whole \$85 in there, in the sixteenth ward?—A. I don't think so.

Q. Where did you spend the balance that you didn't spend in the sixteenth ward?—A. I spent some in the first and some in the third, and that is about all.

Q. Some in the first and third. Do you recollect any of the men that you paid money to?—A. Well, yes; I paid some to Joe Carey.

Q. The constable in the sixteenth ward?—A. Yes.

Q. How much?—A. I don't remember what I paid him, but I believe it was \$5; I think it was that.

Q. Who else did you pay money to?—A. To W. B. McCullom.

Q. In the sixteenth ward?—A. Yes.

Mr. LENAHAN. Who is he? Tell us; he is on the Record, isn't he?—A. Yes.

Q. Now, you say here, under oath, that notwithstanding your close friendship with McLean and the friendship of Weigand, your superior, for McLean, of which you had knowledge, that none of this \$85 was used to help McLean?—A. It was not.

Q. Why not?—A. It was not for that purpose.

Q. Why didn't you want to help McLean out any place you could?—A. Because I had no business to.

Q. You say you were interested in his behalf?—A. I was.

Q. You asked people to vote for him?—A. I did.

Q. And these men that you gave money to, didn't you ask them to help McLean?—A. No; I knew they were workers for Bowman.

Q. You paid Bowman workers money?—A. I did.

Q. You found out first that they were Bowman workers?—A. I knew that without asking.

Q. And you gave them money, although you were interested in McLean?—A. I was, yes; but I was more interested in the local option than in the congressional fight.

Q. Did you pay out the whole \$85 to Bowman workers?—A. I don't know.

Q. About how much of it went to Bowman workers?—A. I have no idea.

Q. Can't you give us some idea? Didn't you ask one of these men to work for McLean?—A. No.

Q. Why were you putting money into the hands of the Bowman workers when you knew that it hurt McLean, your friend?—A. I thought it would do more good in the local-option fight.

Q. And you were willing to sacrifice McLean?—A. Certainly I was.

Q. And you did sacrifice him?—A. I did.

Q. Did Weigand know that you were sacrificing him?—A. I don't know.

Q. You say that Weigand asked you to be for McLean?—A. He didn't tell me to put the money out for anyone.

Q. You say he asked you to be for McLean?—A. He didn't ask me to be for McLean.

Q. Did he talk to you about McLean?—A. He didn't.

Q. Not a word?—A. No.

Q. Then why did you say that one of the reasons why you turned from Bowman to McLean was on account of Weigand?—A. For friendship's sake.

Q. Then without any solicitation on the part of Weigand you changed from Bowman to McLean?—A. I did.

Q. And the real reason why you were for McLean was for friendship, wasn't it?—A. Why, yes; one of the reasons.

Q. A deep, close friendship?—A. Yes.

Q. Now, why didn't you use some of that \$85 to further that deep, close friendship?

MR. LENAHAN. He has told you time and again.

A. Because I had no money for McLean; I didn't get it for that.

Q. How many brewery collectors come into that office of the Stegmaier Brewing Co.?—A. I don't know.

Q. Do you know Hugh Price?—A. Yes.

Q. He is a brewery collector, isn't he?—A. I think he is.

Q. You know he is?—A. I don't know; I know that he goes out collecting for Stegmaier.

Q. Then you know that he is a collector for Stegmaier?—A. Yes.

Q. Did you see him with any of these specimen ballots?—A. No.

Q. Do you know Dick McAndrew?—A. I do.

Q. What is his business?—A. Collector for Stegmaier.

Q. Did you see him with any of the ballots?—A. No.

Q. Did you talk with McAndrew and Hugh Price about this election?—A. No.

Q. Not one word?—A. No; I don't see them very often.

Q. They are in a different department?—A. Yes.

Q. They collect for beer that you sell, don't they; bottled beer?—A. They do.

Q. As well as for beer sold in kegs and barrels?—A. They certainly do.

Q. Do you know what became of that thousand specimen ballots that you had printed?—A. I don't know whether there was a thousand.

Q. We will show you later that it was a thousand. Now, when you took the 15 ballots marked from Welgand's, where did you get them from?—A. From the office.

Q. Were they all in a heap; the large number that came from the printing office?—A. I wouldn't say whether they were there or not.

Q. Who gave them to you?—A. I took them.

Q. From the place where they lay on the table?—A. Yes; they lay there.

Q. About how many were in the heap?—A. I have no idea.

Q. Give us some idea?—A. I have no idea.

Q. Indicate by your hand how high they were.—A. I have no recollection.

Q. The ballots were already marked when you took them?—A. They certainly were.

Q. And they were marked for McLean?—A. For Tener, McLean, Shadrach, and Weitzel.

Q. Although the ballots you had in your possession were marked for Tener, McLean, Shadrach, and Weitzel, you didn't tell any of your watchers to use any influence for or take any interest in McLean or his election?—A. I did not.

Cross-examination by Mr. LENAHAN:

Q. McCullom is a writer on the Record, isn't he?—A. I believe so; yes.

Q. And you say these men to whom you paid this money were, so far as you recollect, Bowman men?—A. Well, I wouldn't say that they all were.

Q. As far as you can recollect?—A. These two or three I mentioned.

Q. Your first interest in this fight was against local option?—A. Yes.

Q. And Tener, the Republican candidate for governor, was supported by the liquor interests, wasn't he?—A. I believe he was.

Q. It is too bad that Bowman should be found in such bad company. And Shadrach was a Republican, and Weitzel was a Democrat, and they were both candidates for the legislature, and they were also supposed to be friendly to the antilocal option, weren't they?—A. Yes.

Q. Isn't Weitzel a cousin of Stegmaier's?—A. I don't know whether he is or not.

Q. In the primaries you were a candidate and were elected to the State Republican convention?—A. Yes.

Q. How much money did you get through Bowman to help him in the primaries?—A. I got \$100, I think.

Redirect examination by Mr. JONES:

Q. What did you do with that \$100?—A. Paid poll men.

Q. At \$5 apiece?—A. Yes.

Q. Throughout the city?—A. Yes.

Q. Now, you have only named two men whom you employed on behalf of the local option combination. Tell me how you spent the rest of that \$85?—A. I spent it for poll men.

Q. Can you name some of them?—A. No; I don't recollect.
 Q. Did you pay it to strangers?—A. No; I don't know as they were strangers.
 Q. You paid it to the men you knew as workers?—A. I gave it to a party to pay out.
 Q. Who did you give it to?—A. I gave him a certain amount of it.
 Q. Who did you give it to and how much did you give him?—A. I don't recollect now what I did give him.
 Q. Who was he?—A. John Brislin.
 Q. What does he do?—A. He drives a bottling wagon.
 Q. For you?—A. No; for Stegmaier.
 Q. He is in your employ?—A. No.
 Q. Are you foreman over him?—A. No.
 Q. How much money did you give Brislin?—A. I don't remember what it was.
 Q. About how much?—A. \$40 or \$45 or \$50.
 Q. Where does Brislin live?—A. In the sixteenth ward.
 Q. Brislin is a Democrat, isn't he?—A. I don't know.
 Q. You know the name is Democratic, don't you?—A. That don't make any difference.
 Q. He lives in your ward?—A. He does.
 Q. You know he is a Democratic worker there?—A. I don't.
 Q. Have you ever seen him working at the polls in behalf of the Democratic Party?—A. No.
 Q. Where was he to spend this money?—A. I don't know.
 Q. What did you tell him when you gave it to him?—A. I told him to get these poll workers, and he got them.
 Q. Did you know the poll workers?—A. I didn't.
 Q. You didn't name them?—A. No; I didn't.
 Q. You left it to him to pick them?—A. No.
 Q. Then you didn't pay out \$85 to Bowman men as you said you did?—A. I didn't say I did.
 Q. You didn't mean that, did you?—A. I didn't say it.
 Q. Now, that is \$50 you gave Brislin. How much did you give Carey?—A. \$5, I think it was.
 Q. How much did you give McCullom, \$5?—A. I think so.
 Q. That is \$65. What became of the rest?—A. I don't know; used it for poll men. I don't know who I gave it to.

Mr. LENAHAN. We ask to have the testimony of this witness expunged from the record, for the reason it is not pertinent or relevant and is incompetent under the pleadings in this case.

JOHN J. MURRAY, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You are a real estate and insurance man?—A. Yes.
 Q. I believe you received some money to use in behalf of Mr. McLean in the last campaign?—A. Yes.
 Q. How much?—A. \$20.
 Q. From whom did you receive it?—A. Wm. S. McLean, jr.
 Q. By check?—A. No.
 Q. In cash?—A. Cash.
 Q. Where was it paid to you?—A. In the office of McLean.
 Q. How did you come to go to his office?—A. Why, I don't remember how I came to go there.
 Q. Were you sent for?—A. I was spoke to.
 Q. Who spoke to you?—A. Early; probably a week before that.
 Q. Who spoke to you?—A. George McLean.
 Q. Where?—A. In the street.
 Q. What did he say to you?—A. He said, "Jack, you understand I am out for office," and I said, "Yes." "Well," he said, "I would like you to do what you can for me," and that is all I can remember. I said, "All right, anything I can do for you, I will be glad to do it."
 Q. Did he say that he wanted you to come to his office?—A. Yes.
 Q. Did he fix a time when you should come?—A. No.
 Q. You called there. How did you fix on \$20? How did you come to fix on \$20; or how was the sum fixed, I mean?—A. Why, there was four poll men to be got.

- Q. Where?—A. One in Exeter and three in Wyoming.
 Q. Where do you live?—A. Kingston.
 Q. How far is Kingston from Wyoming?—A. About 3 miles.
 Q. And Exeter is still above Wyoming, on the same side of the river?—A. About 2½ or 3 miles, yes.
 Q. To whom did you pay this?—A. Thomas Lucyana, in the third ward, Exeter, \$5.
 Q. He works in the mines, does he?—A. I don't know; he was foreman on a street job last summer.
 Q. For Exeter Borough?—A. He has a small store.
 Q. But last summer he was acting as foreman?—A. He was out of town. He was down at the lower end of the State acting as foreman.
 Q. He was not foreman in this county?—A. No; he lives in Exeter.
 Q. Who else?—A. William Cruickshank, in the third ward of Wyoming, \$5.
 Q. What did he do?—A. He has a small grocery there, but he is a painter by trade.
 Q. Who else?—A. Thomas Hess, third ward of Wyoming.
 Q. They are Republicans, Hess and Cruickshank?—A. No.
 Q. How long have you known them?—A. About 15 years.
 Q. And you never knew them to be Republicans?—A. I wouldn't vouch for that, but my belief is that they are Democrats.
 Q. Who is the last man?—A. Daniel Fitzgerald; second ward of Wyoming.
 Q. What does he do?—A. He was in and about the mines. I think he is a company hand in the mines.
 Q. He is a coal man?—A. Yes.
 Q. That was all the money that you received on behalf of McLean or any other candidate, was it?—A. Yes.
 Q. And you disposed of it as you have testified to here?—A. Yes.
 Q. Did you spend any of your own money?—A. I do that every day.
 Q. Did you spend any on behalf of McLean?—A. No.
 Mr. LENAHAN. We now ask to have this testimony expunged from the record for the reason that it is not pertinent or relevant, and is incompetent under the pleadings of this case.
- Cross-examination by Mr. LENAHAN:
- Q. You were a conductor or a motorman, which was it?—A. Conductor.
 Q. And you were a conductor on street cars covering the territory of Wyoming and Exeter, were you not, for many years?—A. Seventeen.
 Q. And you were well acquainted with all the people in that territory?—A. Yes; just as well as I am in Kingston.
 Q. As well as in your own town?—A. Yes.
 Q. And since you have gone in the insurance business you cover that territory, too, don't you?—A. Almost every day; yes.
- Mr. JOHN SHYMONOVICH, called on behalf of the contestee and duly sworn by Commissioner Opp:
- Examination by Mr. JONES:
- Q. What is your occupation?—A. Tipstave in the courthouse.
 Q. You received some money in the last election, didn't you?—A. No, sir.
 Q. Not from anybody?—A. No; not from anybody.
 Q. Did you not receive \$145 from John Moore?—A. No.
 Q. Do you know any other John Shymonovich in Plymouth?—A. No, sir; not but myself.
 Q. Then you didn't receive any money from John Moore on behalf of McLean or any other candidate?—A. No.
 Q. And you didn't spend any?—A. No.
 Q. And the John Shymonovich, who is mentioned in Mr. Moore's account as treasurer for Mr. De Witt, as having received \$145, is not you?—A. That is my name, but I didn't receive the money. I think it is George Musovach received the money.
 Q. Do you know anything about it?—A. I think he received the money.
 Q. Why do you think it?—A. I heard he got a check.
 Q. You heard that George Musovach got a check?—A. Yes.
 Q. But you didn't receive it?—A. No.
 Q. And you didn't help to spend it?—A. No.
 Q. And you got no part for yourself or anybody else?—A. No.

Q. But you think that George Musovach got a check for \$145?—A. I think so.

Q. You indorsed no check made out to you, did you?—A. No; I never did.

Q. Who is George Musovach?—A. He keeps hotel in Plymouth, 136 East Main Street.

Mr. LENAHAN. We ask that this testimony be expunged from the record for the reason that it is not pertinent or relevant, and is not competent under the pleadings in this case.

(Hearing adjourned until 10 a. m., Monday, March 27, 1911.)

MONDAY, MARCH 27, 1911.

Hearing resumed at 10 o'clock a. m., at sheriff's salesroom, pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., counsel for contestee; John H. Dando, Esq.; John T. Lenahan, Esq.; John E. Jenkins, Esq., counsel for contestant; A. C. Campbell, Esq.; Arthur L. Turner, Esq., contestant's commissioner; George R. McLean, Esq., contestant, in person.

Contestee offers in evidence notice of hearing and list of witnesses, as follows:

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To GEORGE R. MCLEAN, contestant, or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, Esq., and JOHN E. JENKINS, Esq., his attorneys:

You are hereby notified that on Monday, March 27, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's salesroom), in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may hereafter be subpoenaed, and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided in sections 109, 110, and 11, of the Revised Statutes of the United States, depositions will be taken of the witnesses, whose names and places of residence are as follows:

John H. Bigelow, Hazleton, Pa.; D. E. Thomas and Crawford Smith, Wilkes-Barre, Pa.; Emil Mallowskie, Hanover Township, Pa.; J. C. Wiegand, F. L. Schott, Hugh Price, R. A. McAndrew, and J. C. Weigand, Wilkes-Barre, Pa.

C. C. BOWMAN, Contestant.

Service accepted March 24, 1911.

GEORGE R. MCLEAN, Contestant.

Mr. JOHN BIGELOW, called on behalf of the contestee, and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Mr. McLean, contestant, asks that the proceedings be stayed for a few minutes, as he is without counsel.

The COMMISSIONER. You had better wait.

Mr. JONES. We think it only fair to say that this hearing should begin on time. We have already been waiting for 20 minutes, and Mr. Jenkins, of counsel for contestant, stood around here, but as we called Mr. Bigelow, he then got out.

Q. Mr. Bigelow, you are an attorney at this bar?—A. Yes.

Q. And you live in the city of Hazleton?—A. Yes.

Q. What official position in the Democratic Party did you hold at the last election?—A. I was chairman of the legislative committee of the first legislative district, acting also as its treasurer.

Q. That comprises the city of Hazleton and what other district or districts?—A. Hazle Township and the borough of Hazleton, the borough of Jeddo, and the borough of Freeland, and the township of Foster.

Q. You received a sum of money in the last campaign for political purposes?—A. I did.

Q. From whom did you receive it?—A. I received \$950.

Q. From whom?—A. \$800 I received from E. J. Moore, as I recollect; he was the county chairman and acting as treasurer, and \$150 from William S. McLean,

Jr. The understanding was that of the \$800 I received from Mr. Moore, \$400 was contributed by De Witt and \$400 by McLean.

Q. How did you receive the \$150 from William McLean, Jr.?—**A.** By check.

Q. In one or two checks?—**A.** In one amount.

Q. For \$150?—**A.** That is my recollection; that there was one check for \$150.

Q. Did you deposit any of that money in bank?—**A.** I didn't.

Q. You have been subpoenaed to produce your check book?—**A.** I have.

Q. And you have produced it?—**A.** I have.

Q. And you say that check book will show no disbursements of money for political purposes during the last campaign?—**A.** Not any.

Q. And this \$950 which you received you paid out in cash?—**A.** Yes.

Q. Did you take receipts for most of it?—**A.** I don't think I took a single receipt.

Q. You didn't?—**A.** I think not, but I am not sure as a matter of fact. I searched through my papers and I could not find any receipts.

Q. I wish you would tell me, as far as you are able to, how you disbursed that money?—**A.** \$550 of that came from McLean, \$400 from Treasurer E. J. Moore, and \$150 from Wm. McLean, Jr., and \$400 from Senator DeWitt. The \$400 spent or received from Senator DeWitt was spent in his campaign, and the \$550 I received from McLean was spent in his campaign, and I am ready to account for the \$550 spent for McLean.

Q. Mr. Moore testified that the \$800 he sent you was a part of a stake fund placed in his hands by Mr. McLean's brother and by Mr. John J. Moore, on behalf of Mr. DeWitt, and was to be used for both parties jointly.

Mr. LENAHAN. He didn't testify to anything of the kind.

Q. Were you so instructed when you received the \$800 check?—**A.** I was not.

Q. From whom did you receive the \$800 check?—**A.** From E. J. Moore.

Q. In this city, or by mail?—**A.** I think it was sent in by mail.

Q. Was it accompanied by a letter?—**A.** I believe there was a letter which I have not now, but the contents of which was, inclosed you will find a check for \$800.

Q. To employ poll men?—**A.** For uses in the first legislative district.

Q. And that is all you recollect that the letter said?—**A.** That is all.

Q. And then you arbitrarily divided this money, did you?—**A.** I did, sir.

Q. Without any authority from any one?—**A.** I did.

Q. Tell me how you spent the \$550 which you say was McLean's share of your divided receipts?—**A.** I will tell you that with this explanation however before that, that Senator James of Hazleton was a candidate for reelection against Senator DeWitt, now Senator DeWitt, and it was impossible to make a straight out party fight on account of the local conditions. There were many Democrats in favor of James succeeding himself, and there were many Republicans who were against James, and so it would be impossible to make a straight party fight. We had to use our best judgment and discretion in picking our poll men, because many of the poll men you would pick would be for two candidates on the ticket and others might be for three, so, with that in mind, I proceeded to size up the sentiment as I saw it existing in the several municipalities and made my apportionment of the money accordingly.

Q. Of course, if you got a good poll men, who would watch for McLean and DeWitt; didn't you do it?—**A.** No question about it.

Q. And the same thing applies to the \$400 you received from DeWitt?—**A.** Yes, that would apply.

Q. In other words, Mr. Bigelow, at your end of the county you say the sentiment was rather diversified in the last campaign on account of James living there?—**A.** Yes, it was not only diversified, but greatly complicated.

Q. And you used this money to the best of your judgment, from experience?—**A.** Yes.

Q. And with the whole \$950 you got, as far as you were able to, only workers who would work for both candidates, if possible?—**A.** No.

Q. As much as possible?—**A.** As much as possible.

Q. Tell us how you spent the \$550.—**A.** It was divided in this way. For use in the borough of Freeland, and the township of Foster and one or two of the adjacent districts of Hazle Township, there was \$85 of McLean's money given to John McManiman of Freeland.

Q. What does he do?—**A.** He is a merchant in Freeland, runs a furnishing store. \$165 was given to H. A. Shovlin; he would not take any money out there to be used against James, so the money given to him was money outright of McLean.

Q. That \$165 was absolutely McLean's money?—A. Yes, at the time I gave it to him he was very friendly to D. T. McKelvey, who was a candidate for representative, and the understanding was at that time that it was to be used in getting the best watchers and the best poll men obtainable for McLean and for McKelvey, and he was given his discretion. He is a lawyer and knows what the law is and he was given his discretion to use it for legal political purposes.

Q. He is also a justice of the peace?—A. He is not now.

Q. He has been?—A. Yes, years ago, but he has not been a justice of the peace for six years.

Q. Who is the next man?—A. There was some \$50 of McLean's money given to John Wilhelm, in the city of Hazleton.

Q. Who is he?—A. He is a stenographer and connected with the Democratic organization in the city of Hazleton. There was \$175 of McLean's money given to John Burns, of Hazleton city, for use in procuring watchers and poll men in the entire fourteen districts of Hazle Township, and in three of the adjoining wards of the city of Hazleton. They were recently annexed to the city of Hazleton, and Burns's experience in there prevailed upon me to have him select the poll men there.

Q. What is his business?—A. Miner.

Q. He works in and about the coal mines?—A. Yes.

Q. For what company?—A. I don't know, I can't say. \$30 of McLean's money was given to Silas E. Jones, for use in West Hazleton.

Q. Who is he?—A. County commissioner of Luzerne County. There was \$20 of that spent by myself for two poll men, the only poll men that I personally employed. Cyrus Share and Robt. Fogel.

Q. Who is Share?—A. A hotel man in West Hazleton and Robt. Fogel is a merchant in some line or other in the city of Hazleton.

Q. Where was he to work?—A. In the eleventh ward of the city of Hazleton.

Q. You spent \$20 of McLean's money yourself?—A. Yes. \$25 of that sum was given to James A. Gorman, who is my stenographer, for the purpose of securing at least two good watchers and for reimbursing him for labor that he did in going around for me. I was very busy and didn't have time to attend to these things myself.

Q. Where was Shovlin to spend the \$165?—A. In Freeland Borough, Foster Township, and there was one or two of the neighboring districts of Hazle Township. The first district and the eleventh district.

Q. Where was McManiman to use that \$85?—A. In Freeland Borough and Foster Township.

Q. And in Hazleton City?—A. My recollection is that he was not to take care of any part of Hazle Township. I think, though, that it may be that he was to take care of one district of Hazle Township, close to Freeland Borough.

Q. Where was Wilhelm to use that \$50?—A. To employ watchers in the city of Hazleton. He was given 10 wards to look after. Hazleton City is a place where you don't have to spend money, that is, the old city.

Q. How was the other \$400 spent?—A. In De Witt's behalf.

Q. Where?—A. In the first legislative district.

Q. Who did you give it to?

Mr. LENAHAN. I want to instruct you that unless some of that money was spent for McLean you are not to answer.—A. None of this \$400 was spent for McLean.

Q. How do you know that it was not spent for him?—A. Because I made the division myself, according to the \$960 I received. I felt that I owed a responsibility to McLean and to De Witt and the \$550 was placed for McLean where I thought it would do the greatest good, and the \$400 for De Witt in the same way, and as I have already told you, the complications there were such that it was impossible almost to hire straight party watchers. De Witt was also a candidate on the Keystone ticket.

Q. Well, do you refuse to tell whom you gave the \$400 to for De Witt?—A. Based upon my belief of what the law is, I decline to say how I spent that money for De Witt. I am also impelled to that conclusion by another fact. Senator James and myself have been and are personal friends, and I don't care to have any of my personal matters dragged into this controversy. I made a straight-out fight, however, notwithstanding the friendship between James and myself.

Q. That \$400 employed 80 poll men, didn't it?—A. No, it did not.

Q. How many?—A. The kind and character of poll men we got you could not get for \$5.

Q. About how many did that \$400 employ?

Mr. LENAHAN. You need not tell if you don't want to.—A. I would say 40.

Q. Are you prepared to say that none of these 40 men worked for McLean?—A. I don't know of one that did.

Q. Do you know all the men?—A. No; I do not.

Q. Then, you are not prepared to say that none of it was used for or in McLean's behalf?—A. My answer is, not that I know of. It is possible that there may have been, but not that I know of.

Q. You are the only person who can tell us how that money was spent, in order that we may be able to ascertain from investigation whether or not any of it was used in McLean's behalf. Now, with that knowledge, do you still refuse to tell us how it was expended?—A. Answering your question, I say that the \$400 was spent for De Witt and the \$550 for McLean; and if, incidentally, some of the McLean workers worked for De Witt, I would regard that as proper; and if, incidentally, some of the workers appointed for Mr. De Witt worked for McLean, I would regard that as proper, entirely so.

Q. You have already said that, wherever it was possible, you had every dollar cooperate for both parties?—A. There is no question about the relative parties. If some of the watchers hired by Wilhelm in the city of Hazleton were, as I was informed afterwards, men who worked for the entire Democratic ticket from top to bottom, but I can not speak with certainty at this time as to that.

Q. Who hired the watchers in the city for De Witt?—A. Wilhelm also hired some.

Q. You say that the \$50 which he received for McLean was used in De Witt's behalf?—A. Yes; and Wilhelm received \$100 all told, and where we had watchers who worked for the entire party, I have an idea in my own mind, speaking for the city of Hazleton, which is the only place I can speak of, that there were some of those; there was \$100 given to Wilhelm, and he hired watchers to work for McLean and for De Witt, and I think he charged himself on McLean's account with \$50, half the entire amount, and charged the other half up to De Witt's.

Q. Then, they each got the benefit of the whole \$100?—A. Exactly. That is the way I charged myself—with \$50 to McLean's account and \$50 to De Witt's account.

Q. So that at least \$50 of that \$400 of De Witt's was used for McLean's benefit in the city of Hazleton, as you have just testified?—A. Yes; and \$50 of McLean's was used for De Witt.

Q. And there was cooperation in the city of Hazleton?—A. Yes; but that is the only place you could get it in the district.

Q. That is the only place that you had any personal knowledge that the money of De Witt and McLean was used together, was it?—A. Yes.

Q. And you, having personal knowledge, and having spent out the other \$350 for De Witt, your refusal to testify whom you gave that money to, precludes us from investigating any further as to whether or not that \$350 was used in McLean's behalf, as well as De Witt's. Do you still refuse to tell me?—A. It precludes your finding out from me.

Q. And you still refuse, although you paid the money out, to tell us whom you paid it to?—A. Yes.

Q. Did you spend any of your own money on behalf of McLean?—A. What I spent of my own money I spent for the ticket.

Q. Do you care about telling how much you spent?—A. I don't know; I didn't keep any record.

Q. Can you approximate it?—A. I suppose I spent a few dollars going around.

Q. Did you spend \$100?—A. No.

Q. \$50?—A. No; I wouldn't think so. I don't think it ran that high.

Q. Of course there were some obligations that had to be met after this money was spent? There always is. It never happened any other way, did it, for you?—A. Well, generally speaking.

Q. We don't say to corrupt anybody, but we know you play the game as it is generally played.—A. Generally speaking, I would say there are usually some odds and ends after an election.

Q. And isn't it a fact that these odds and ends that arose after election were paid by you personally?—A. Yes; there were some little liabilities I had to

meet afterward, but they were incurred on behalf of my legislative candidate, and I felt that I ought to treat him pretty well. He lost anyhow, and I felt that I ought not ask him to pay them.

Q. Was here any of this incidental expenditure that was made afterward in connection with your watchers?—A. Yes; one or two foreigners that I had spoken to and had them work for McKelvey.

Q. Now, we all know you very well, and know that you are generous, and we know that you are a good political uniter.

Mr. LENAHAN. Remember, Taffy was a Welshman, John.

Mr. JONES. Yes; and his cousin was Blarney.

Mr. LENAHAN. No; he disowns him.

Q. You did spend some of your own money on behalf of the ticket?—A. I traveled around quite a little; traveled around to see the workers, and the chances are, while I didn't spend the money for the purpose of influencing anybody. If I got to a public house, or anything of that kind, I may have spent a little money; but I would have done that whether I was in politics or not.

Q. And being there on politics, you let the people, for whom you bought drinks or cigars, know that you were on a political mission?—A. No; not a bit of it.

Q. You never said a word about it?—A. I think the people began to suspect that I would want to influence their votes.

Q. I didn't charge you with that. I simply want to ascertain how much money you spent of your own for political purposes?—A. I don't know; I know that for five weeks I was pretty busy with politics. I gave what time I could to that purpose, and I couldn't tell you how much I spent.

Q. And it was in behalf of McKelvey, McLean, and DeWitt that you were travelling around?—A. I think so; a fellow is in politics generally for his friends.

Q. And McLean was a friend of yours?—A. Yes.

Q. And whatever your expenses were nobody paid them but yourself?—A. Nobody but myself. I think I owed that as a duty from the fact that I am district chairman.

Q. And you can't approximate how much you spent?—A. No; I can't; it would only be a wild guess.

Cross-examination by Mr. LENAHAN:

Q. You were a Democratic candidate for Congress in this district in 1898, were you not?—A. Yes; in 1908.

Q. Whether or not, Mr. Bigelow, it was not common rumor at that time, after the election, that the Republicans had bought the election away from you.

(Objected to as immaterial and irrelevant and as not being cross-examination.)

A. Yes, sir; it was common rumor that they had not only used money and power and prestige of high officials and employers for the purpose of intimidation.

Q. Mine bosses?—A. Yes, sir.

Redirect examination by Mr. JONES:

Q. You are an attorney for some of the coal companies down there, are you not?—A. I am.

Q. What coal companies?—A. G. B. Markle & Co.

Q. Any other company?—A. Our firm is counsel for Coxe & Co.

Q. Coal operators?—A. Yes.

Q. You are also attorney for the Hazle Traction Co.?—A. For the Lehigh Traction Co., yes.

Q. Which comprises in their system what parts of the county?—A. The Lehigh Traction and the Wilkes-Barre & Hazleton Cos.

Q. Are there any other coal companies for which you are counsel?—A. No.

Q. And you enjoy the acquaintanceship and friendship of all the men connected with the coal companies down there, don't you?—A. In answer to the first part of that question, yes; in answer to the latter portion, no.

Q. The heads of the coal companies you are friendly with, and the owners?—A. Well, I would say no in answer to that question. No. Particularly as to the Lehigh Valley Coal Co., which is the big power, and I would say in further answer to that question that watchers that I attempted to employ upon my own behalf in my election told me, after they had consented to act, that their superiors would not permit them to act.

Q. But, notwithstanding that fact, you caused no contest to be started, did you?—A. No, sir; I did not.

Q. Well, I congratulate you on being a good loser. That is all.

Recross-examination by Mr. LENAHAN:

Q. Mr. DeWitt you say was the Keystone candidate also?—A. Yes.

Q. And you looked after his interest as well on that ticket as on the Democratic ticket?—A. Well, yes, as well as I could.

Redirect examination by Mr. JONES:

Q. Did you employ Keystone watchers?—A. I didn't employ any watchers. My instructions to all the people who received my money was that they should cooperate as far as we possibly could, with the Keystone people.

Q. Did you give any money to McKelvey?

Mr. LENAHAN. You need not answer that if you don't want to.—A. Why, I don't think so.

Q. Are you sure about it?—A. That is my impression, Mr. Jones. I am not prepared to swear to that as a fact, but that is my best recollection.

Q. But he was with you when you did pay out the \$165?—A. Yes, I paid that money out in his presence.

Q. He was a legislative candidate?—A. Yes, and I also paid out \$85 in his presence.

Q. He is a justice of the peace?—A. He is an alderman now.

Q. That is ex officio a justice of the peace?—A. Yes.

Q. In 1906 you knew McKelvey?—A. Yes.

Q. You knew that he was indicted and arrested, charged with a fraudulent return of votes from the ninth and fifteenth districts of Hazle Township?—A. From the ninth district of Hazle Township, I think.

Q. Weren't there two districts?—A. The ninth and eleventh, perhaps. I know he was arrested, indicted, tried and acquitted.

Mr. LENAHAN. Under binding instructions?—A. Under binding instructions, and he even escaped the payment of the costs, so that there was not very much loss of integrity attached to the matter.

Mr. JONES. Were you his counsel in the matter?—A. I was, but that fact was not responsible for his acquittal, but it was embraced in the case.

Q. Again you are modest. Do you know as a matter of fact, and very generally known, that he had the returns from both these districts in his pocket and traveled about Wilkes-Barre for a couple of days?—A. I heard that reported, but from my knowledge of him I was not willing to accept that as true.

Q. But you know that the open vote was 1,872 as returned by him?—A. I would say it appeared by reference to the records in the Republican prothonotary's office at the time that the returns had largely been increased, but I would say that it is very far from the truth to assume that McKelvey did it. He was a Democratic worker and therefore would have probably no entrance into a Republican prothonotary's office.

Q. What do you say about the 1,200 votes added to the Mulhall return by somebody in these two districts?—A. There was.

Q. And don't you know that although not an officer of the election in either district, he had the two returns in his pocket for at least a day in Wilkes-Barre before they were returned to the prothonotary?—A. I don't know that.

Q. Did you hear it?—A. Yes, I heard it.

Recross examination by Mr. LENAHAN:

Q. From Republican sources?—A. I don't know from whom I heard it.

Q. In the trial of McKelvey referred to by Mr. Jones, isn't it a fact that after the whole testimony was in the presiding judge gave binding instructions to the jury to find for the defendant?—A. That is correct.

Q. There was no evidence connecting him with any fraud?—A. That is correct.

Redirect examination by Mr. JONES:

Q. He was also charged with interfering with the overseers?—A. Yes, and was likewise directed to be acquitted on that charge. If I am not mistaken there were two indictments.

Q. There was, and there was such evidence that the Grand Jury, after hearing McKelvey's side, returned two true bills against him?—A. Yes.

Mr. LENAHAN. We now ask to have this testimony expunged from the record for the reason that it is not pertinent or relevant, and is incompetent under the pleadings in this case.

EMIL MALINOWSKI, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. Where do you live?—A. Hanover Township, Luzerne County.
 Q. What is your business?—A. I am working for the Hanover Brewing Co.
 Q. In what capacity?—A. Stable boss.
 Q. Are you not manager of the Hanover Brewing Co. for Luzerne County?—
 A. No, I never worked for the Luzerne County.
 Q. Are you not manager of the Hanover Brewing Co. in Luzerne County?—
 A. Yes, but that has no connection with the other.
 Q. You mean that the job as manager has no connection with the stable boss job?—A. Yes, that is my position; that is my idea.
 Q. The position you actually hold and for which you are paid is stable boss, isn't it?—A. For both.
 Q. Why do you say you are stable boss when you are manager of it?—A. I am only district manager here.
 Q. You are only district stable boss then?—A. Let us call it manager then.
 Q. There is a big difference between manager and stable boss. Then you are manager, are you, for the Hanover Brewing Co.?—A. Yes.
 Q. What territory are you manager of?—A. Luzerne County.
 Q. The Hanover Brewing Co. has no brewery in Luzerne County?—A. No.
 Q. But it has a distributing plant here?—A. Yes.
 Q. And you have full charge of all the business of the Hanover Brewing Co. in Luzerne County?—A. Yes.
 Q. And also you are the stable boss for them?—A. Yes, I got to be at night.
 Q. How many men do you employ?—A. I don't know.
 Q. Don't you know as manager how many men you employ?—A. I couldn't tell you.
 Q. How many men do you employ as stable boss?—A. Probably around twenty-five.
 Q. Are there any men employed by you that you don't know as stable boss?—
 A. Not in Luzerne County.
 Q. How many men are employed by the Hanover Brewing Co. in Luzerne County?—A. About twenty-five.
 Q. How many collectors have you?—A. Two.
 Q. Who are they?—A. One is William Gonglesky, of Nanticoke, and the other is Basil Washlisky.
 Q. Where does he live?—A. On Hanover Street.
 Q. What part?—A. On the ground where I live, it is along the river road, near St. Mary's crossing.
 Q. Known as Buttonwood?—A. Buttonwood, yes; St. Mary's crossing.
 Q. You were very active in the last political campaign?—A. Yes.
 Q. You received considerable money in the last campaign?—A. What is this investigation?
 Q. You heard my question. Did you receive any money in the last political campaign?—A. What for?
 Q. You will be the man to tell us what for.
 Mr. LEAHAN. Answer it yes or no.
 A. I haven't any for McLean.
 Q. Did you receive any money in the last political campaign?—A. I decline to answer. I wouldn't say that.
 Q. Didn't you receive \$625 from John Moore?—A. That is for him to tell and not for me.
 Q. Then you refuse to answer? Why do you refuse to answer that question?—A. I am not called here for that purpose. I am called here to answer whether I received or handled any money from McLean.
 Q. Who told you that you were called here for that purpose?—A. I understand so.
 Q. Who told you?—A. My notice says so, that I was served with.
 Q. Have you your copy of your notice?—A. No.
 Q. You know that your notice don't say anything of the kind.—A. Yes; it does. The notice says in McLean and Bowman's congressional fight.
 Q. The notice said you were to appear before the commissioner to take the testimony in the McLean-Bowman contest, and it said nothing at all about what you were to produce.—A. This says what I should produce.
 Q. What did it say?—A. Checks, check stubs, and check books.

Q. Did you produce them?—A. I have none to produce.
 Q. Why didn't you produce them?—A. I didn't work for McLean.
 Q. Why didn't you produce your check books?—A. I have none to produce.
 Q. Doesn't the Hanover Brewing Co. have check stubs and check books?—A. Not for political matters.

Q. Answer the question. Has the Hanover Brewing Co. any checks, check books, or check stubs under your authority as manager?—A. No.

Q. Who has charge of them?—A. The main office at Danville. In the charge of the secretary.

Q. You employ him?—A. No; he is hired by the directors.
 Q. Do you sign the checks?—A. No; he signs them for me.
 Q. Then he is under your care and control, isn't he—that man?—A. Not altogether; no.

Q. Where did you receive this money?—A. I didn't receive any for McLean.

Q. You have already said that. Where did you receive this money, the \$625?—A. I haven't said so.

Mr. LENAHAN. If you paid no money out for McLean and received no money for him, you are not bound to answer what you received it for.

A. I have not received a dollar and was not interested in the campaign at all, except that I was with DeWitt, but I guess that has nothing to do with this investigation whatever.

Q. Who asked you to be with DeWitt?
 Mr. LENAHAN. You need not answer.
 A. Nobody at all; my personal friendship.
 Mr. JOHN KUSCHE. This is objected to.
 Mr. JONES. Mr. Kusche, do you appear as this man's personal counsel?
 Mr. KUSCHE. I represent Senator DeWitt.
 Mr. JONES. Do you represent this witness?
 Mr. KUSCHE. I represent Mr. DeWitt's interests in anything that goes on here.

Mr. DANDO. Unless an attorney represents a witness as his personal counsel, or is interested in behalf of the contestant or the contestee, we object to his presence, and ask the commissioner to so instruct him.

Mr. KUSCHE. I represent Mr. DeWitt, and any matter that comes up in this inquiry, whereby Mr. DeWitt is interested, I claim that I have the right to interpose and object to it if I see fit.

Commissioner OPP. I don't think so. If you represent the witness—

Mr. KUSCHE. I do, as Mr. DeWitt's counsel.

Mr. JONES. Do you refuse to answer that question?

A. That has nothing to do with McLean's and Bowman's campaign.

Q. You tell us who you got the money from, and then we will find out whether it had anything to do with McLean's campaign.—A. I haven't received any for the McLean fight at all.

Q. What did you receive that money for?—A. That is not my business to answer at all.

Q. Then you refuse to answer what you received that money for?—A. Yes.

Q. And you refuse to answer what you did with it?—A. Yes.

Q. Or how much you got?—A. Yes.

Q. Or who you paid it out to?—A. Yes.

Q. Where were you on election day?—A. I was voting.

Q. You voted in Hanover Township?—A. Yes.

Q. What were you doing in Nanticoke on election day?—A. On that day the hotels were closed and you couldn't get a drunk, so I stayed on the street.

Q. You stayed on the streets of Nanticoke?—A. Yes.

Q. But your business is in Hanover, which was 3 miles away; what were you doing in Nanticoke, standing on the streets?—A. I have my friends in Nanticoke, like in Hanover.

Q. Were you looking for them that day?—A. Most generally I do.

Q. What were you doing at the polls in the ninth ward on election day in Nanticoke?—A. I don't know as I was doing anything.

Q. How many polling places did you visit in Nanticoke on that day—election day?—A. I don't know, maybe two.

Mr. KUSCHE. I interpose an objection to the commissioner. I represent Mr. Malinowski by virtue of my position in representing Mr. De Witt.

Mr. LENAHAN. I also instruct the witness that he need not answer any questions with reference to any work he did for any other candidate than Mr. McLean. If he did any work for McLean. What he was doing there at the

polls, if he was there in the interests of Mr. De Witt is of no concern here at all.

Mr. DANDO. That is in striking contrast with your statement of the other day, when you wanted to open everything up.

Mr. LENAHAN. I do want to open it up.

Mr. MALINOWSKI. Better not open it.

Mr. LENAHAN. If this man paid a dollar directly or indirectly for McLean we are willing for you to probe it.

Mr. JONES. Let him tell us who he paid the money to and we will soon probe it. We are precluded from probing it.

Mr. LENAHAN. You need not answer that.

A. I haven't spent a dollar for McLean or Bowman's purposes.

Q. Why don't you tell us whom you paid the money to and we will see from them what you paid it for.—A. Because I am not obliged to.

Q. Do you refuse because Mr. Lenahan tells you not to answer?—A. No; because I have no business to answer.

Q. And you refuse to answer?—A. No.

Q. Now, tell us again what two polling places you were at on election day in Nanticoke.

Mr. LENAHAN. You don't have to answer.

A. The first and the ninth.

Q. What were you doing there?—A. Nothing at all, just seeing my friends.

Q. How did you come to go there?—A. I went there because Nanticoke is my town; I was born there.

Q. Wilkes-Barre is much nearer to your home than Nanticoke, isn't it?—A. Yes; but I don't live in Wilkes-Barre.

Q. You didn't live in Nanticoke either, did you?—A. No; but nearer to Nanticoke than I do to Wilkes-Barre.

Q. You say that Buttonwood is nearer to Nanticoke than to Wilkes-Barre?—A. Some people say so.

Q. What do you say about it?—A. I think it is pretty near as far one way as the other.

Q. Don't you know that your home is less than a mile from the Wilkes-Barre city line?—A. Yes.

Q. And how many miles is it from Nanticoke?—A. I think about 4.

Q. Why then didn't you come to Wilkes-Barre on election day instead of going to Nanticoke?—A. That has nothing to do with this investigation.

Q. Is that the only answer you will give?—A. That is all I can answer.

Q. Who paid you this money that you refuse to account for?

Mr. LENAHAN. You don't have to tell that.

A. I told you that I haven't received any money in the McLean campaign.

Q. Who gave you that \$625?—A. I decline to answer.

Q. What building in Wilkes-Barre did you receive it in?

Mr. LENAHAN. Decline to answer that, too, if you wish.

A. I didn't receive any money from anyone in Wilkes-Barre in any campaign.

Q. Where did you get your money?—A. I say I decline to answer.

Q. Why do you say you didn't receive any money in Wilkes-Barre if you decline to answer?—A. You say what building, and I say there was no building.

Q. What building in Plymouth did you get it in?—A. I can't tell.

Q. What building in Luzerne County did you get it in?—A. I decline to answer.

Q. Didn't you get that money from John Moore?—A. I won't answer that question.

Q. Why are you afraid to answer that?—A. I am not afraid, but Moore lives in Plymouth, so he can tell whether he gave me any money or not.

Q. His account shows that he gave you \$625; is that correct?—A. Not for McLean's purposes.

Q. Is it correct that he gave you \$625?

Mr. LENAHAN. You say it was not for McLean's purpose and you can decline to answer.

Q. If he didn't give you that for McLean who did he give it to you for?—A. I refuse to answer.

Cross-examination by Mr. LENAHAN:

Q. Did you receive a dollar of McLean's money?—A. I didn't know the man before election.

Q. Did you pay a dollar out for him in the way of purchasing or employing poll men?—A. Not a cent.

Q. Did you even advocate his election?—A. Not a word.

Q. You were interested, and interested largely in De Witt and the State Republican ticket, were you not?—A. I was interested mostly in De Witt.

Q. And he was running for State senator?—A. Yes.

Q. And you never advocated with anyone the election of McLean?—A. No; not to my knowledge.

Q. And you never saw McLean, or anyone purporting to represent him, did you?—A. I havn't seen the man through his campaign at all and didn't meet him once.

Mr. JONES. Then, if you didn't use this money in McLean's behalf, will you tell us how you spent it, so we can see how you spent it?

Mr. LEAHAN. He declines to answer that, he says.

Q. You decline to answer that?—A. Yes.

Mr. LEAHAN. You decline to answer that because it has no bearing on this contest?

A. Yes; I decline to answer that question at all.

Mr. JONES. Will you give us the names of the men you paid it to, in order that we may ascertain whether it has any bearing or not?—A. I decline to do it.

Q. You are a Democrat, are you not?—A. Yes.

Mr. LEAHAN. We now ask that the testimony of this witness be expunged from the record for the reason that it is not pertinent or relevant under the issue and is not competent under the pleadings in this case.

Mr. HUGH PRICE, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. What is your occupation?—A. Collector for the Stegmaier Brewing Co.

Q. What territory in Luzerne County do you travel over?—A. Wilkes-Barre City.

Q. Did you have any money in the last campaign for political purposes?—A. I had, to create a sentiment against local option.

Q. How much money did you have?—A. I couldn't just tell you.

Q. Give us an idea.—A. Maybe \$60, and maybe \$80.

Q. Who paid you that money?—A. Mr. Weigand.

Q. Weigand is the same Weigand who paid Moritz Schultz \$85.—A. I don't know that.

Q. He is Weigand, the general manager of your brewery?—A. Yes.

Q. And he is your superior officer?—A. Yes.

Q. Where did he pay you this \$80?—A. Over in the office.

Q. How long before the election?—A. Well, I had it a couple of weeks before the election.

Q. How many watchers did you employ?—A. Not any.

Q. Were you active in the Democratic campaign last year?—A. I was, yes; for a few candidates.

Q. For some of them?—A. Yes.

Q. You are a member of the Democratic City Club?—A. Yes.

Q. And the county headquarters during the last campaign were at the rooms of the Democratic City Club?—A. Yes.

Q. You frequently attended there?—A. Yes.

Q. Do you remember paying or giving Ed Moore \$10?—A. Yes.

Q. Did you get a check from him for that?—A. Yes.

Q. That was for a loan, was it?—A. Yes.

Q. How did you spend this \$80?—A. Going around to visit the trade.

Q. Visiting the trade?—A. Yes.

Q. About how many saloon keepers did you visit?—A. On some days I would get to maybe 25 or 30, and some days less.

Q. About how many all told did you visit?—A. I visited every saloon in the city.

Q. About how many are there?—A. I think there is about 140 I visited.

Q. And during the campaign, or at least after you received this money, you visited all these places?—A. Well, that is my business.

Q. But you did so visit them?—A. Yes.

Q. How many marked ballots did you distribute? Specimen ballots?—A. I didn't deliver any marked ballots.

Q. Did you see any marked ballots at Stegmaier's?—A. No; I don't believe I did see any over there marked.

Q. Are you sure about that?—A. Pretty sure.

Q. Did you distribute any papers or letters which were a copy of a letter sent out by the Anti-Saloon League?—A. No, I didn't deliver any; I showed some of them.

Q. Where did you get them?—A. Well, I got them in Brown's office.

Q. In Brown's office?—A. Yes.

Q. What Brown?—A. Squire Brown.

Q. Squire Brown, who is a member of this bar and a justice of the peace?—A. Yes, sir.

Q. And who has his office on Market Street, in the city of Wilkes-Barre?—A. Yes.

Q. He does work during the campaigns with a mimeograph and reproduces letters, don't he?—A. I couldn't say that.

Q. How many copies of this letter did you get from Brown?—A. I had, I guess, 25.

Q. Who sent you there to get them?—A. Nobody sent me there.

Q. How did you know they were there?—A. Hourigan told me.

Q. Was that the first information you had that they were at Brown's office?—A. Why, yes.

Q. Hourigan is a Republican?—A. I believe he is.

Q. What did Weigand say to you when he gave you that \$80?—A. He told me to get out and create a sentiment—all the sentiment that I could against local option.

Q. For what particular candidates?—A. For Tener and the whole Republican ticket.

Q. The Republican State ticket?—A. Yes.

Q. Did you work for the Republican State ticket?—A. Well, I did for Tener.

Q. Why didn't you for the whole ticket?—A. I didn't think it was necessary.

Q. Weigand told you to go out and create a sentiment for the Republican State ticket?—A. Yes; if people asked me how they should vote to tell them how I felt about it—the way we were working.

Q. You were to tell them the way that the Stegmaier Brewing Co. felt about it—your interests?—A. Yes; in the Tener fight.

Q. You say you had no such marked ballots?—A. No.

Q. What became of the 1,000 marked ballots in Stegmaier's office?—A. The ballots I received at Stegmaier's were not marked.

Q. How many did you receive?—A. Maybe I took out 50 or 60, and maybe more.

Q. What did you mean by telling me a few minutes ago that you had no specimen ballots?—A. I didn't say that.

MR. LENAHAN. You asked him if he had any marked ballots.

A. I said I had none of those.

Q. Did you mark those ballots that you took out?—A. If people asked me how they should vote it I did.

Q. What people asked you?—A. Different saloon keepers and people about the saloons.

Q. Your trade?—A. Yes.

Q. Of course you bought drinks in these saloons?—A. I did.

Q. How would you mark these ballots?—A. I would mark Tener, and I would mark for the State ticket and I would mark for George McLean for Congress, and it would depend on who the people were that I run up against on the representative fight. I marked everybody but Watt.

Q. These 25 ballots which you say you took out and exhibited were marked for the State Republican ticket, and for McLean and for some of the Representatives, except Watt?—A. Yes.

Q. Did you mark the entire Republican State ticket?—A. In some cases I would.

Q. Why did you distinguish in some cases and not in others?—A. I thought sometimes that these people were Republicans and would mark the ticket themselves.

Q. Did you mark tickets for the Republican candidate for secretary of internal affairs?—A. Maybe I did in some places, I couldn't answer that.

Q. You know the local candidate for secretary of internal affairs on the Keystone ticket?—A. Yes.

Q. Were you not with Casey?—A. No; I wasn't with Casey.

Q. What did you do with these 25 so-called anti-saloon letters that you took from Brown's office?—A. I showed them to some people and gave them to people.

Q. Mostly saloon keepers?—A. No; not all.

Q. Why did you take only 25?—A. Well, I thought that was enough for me.

Q. You were going to visit in town about 140 saloons?—A. I didn't get those, though—I am always visiting the saloons.

Q. You visited them during the campaign?—A. All the time.

Q. And every saloon that you went into you talked politics? That was your directions, was it?—A. Yes; off and on.

Q. Why didn't you take enough of these ballots?—A. I was opposing the local-option fight.

Q. Why didn't you take enough of these ballots and enough of these letters for distribution among all your patrons?—A. Because the letter was not gotten out until the Sunday before election. I didn't see it until Sunday before election.

Q. You know that it was not given out until then, don't you?—A. I don't know, that is the first I saw it.

Q. What time of the day did you get the letters?—A. I had them on Sunday.

Q. You were an advocate of McLean in the election?—A. I was as a Democrat and he was a friend of mine.

Q. And you knew he was attorney for Stegmaier?—A. Yes.

Q. And you knew that he and Weigand were associated not only in business interests through Stegmaier's Brewing Co., but that they were close personal friends?—A. I think they are.

Q. And you knew Weigand was interested in McLean's election?—A. He never spoke of McLean to me.

Q. He never said a word?—A. Not about McLean; no, sir.

Q. And this \$80 you spent, you used for McLean as well as the others?—A. Where it would do him any good. The local-option fight was ours.

Cross-examination by Mr. LENAHAN:

Q. Your whole interest and almost your total interest in this matter was the fight on local option, wasn't it?—A. Yes.

Q. And this circular that you got from Squire Brown was a circular that had been issued by the Anti-Saloon League of Luzerne County?—A. Yes.

Q. And Hourigan, who is now a leader or boss and the holder of an office under the Federal Government, told you where the circulars were; that they were in Squire Brown's?—A. Yes.

Q. And then you went up and got some?—A. Yes.

Q. You are a collector for the Stegmaier Brewing Co.?—A. Yes.

Q. And as such you spend money daily in saloons, don't you?—A. Yes, sir.

Q. In order to keep trade up?—A. Yes.

Q. Was any of this money at all that you got spent for McLean?—A. I didn't spend any for McLean.

Redirect examination by Mr. JONES:

Q. What did you mean a minute ago when you said that wherever it would help McLean you did it?—A. I talked McLean.

Q. You talked McLean when spending it?—A. Yes.

Q. All through the campaign?—A. Yes.

Recross-examination by Mr. LENAHAN:

Q. You have been an active Democratic worker for years and have been connected with the Democratic committee for years?—A. Yes; when it don't interfere with business.

Q. When it don't interfere with the liquor business?—A. Yes.

Q. And you worked for McLean at one time, didn't you, in the ice business?—A. Yes, sir.

Mr. LENAHAN. We now ask that the testimony of this witness be expunged from the record for the reason that it is not pertinent or relevant, and is incompetent under the pleadings in this case.

R. A. McANDREW, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. Where do you live?—A. Wilkes-Barre.

Q. What is your occupation?—A. Collector for the Stegmaier Brewing Co.

Q. What territory do you cover?—A. In the lower end of the county, from the city line down to Hanover Township.

Q. About how many places or saloons do you visit?—A. About a hundred and seventy.

Q. You also go to Wilkes-Barre Township, don't you?—A. Yes.

Q. How much money did you have for political purposes in the last campaign?—A. I had no money for political purposes.

Q. How much money did you use for political purposes?—A. I used none for political purposes.

Q. What did you use the money for?—A. Well, in my business as collector for the Stegmaier Brewing Co. In my business.

Q. How much did Weigand give you just before the election? Say two weeks before the election?—A. Well Weigand gave me money at different times.

Q. I am asking about the money that he gave you two or three weeks before the election.—A. I can't say.

Q. About how much?—A. I can't say.

Q. \$200?—A. Not two weeks before election: no, sir.

Q. When did he give you \$200?—A. He never gave me \$200.

Q. What was the last money that he gave you before election?—A. I guess it was the day before election.

Q. How much?—A. I think about \$30.

Q. And when before that had he given you money?—A. Why for months before that he had given me money at different times, but I don't just remember.

Q. When, right before the election? When had he given you money, except this \$30?—A. Possibly the week before.

Q. How much had he given you then?—A. \$30 or \$40 or \$50 at different times, but I can't remember how much.

Q. How do you charge up your expenses?—A. Why as visiting different places.

Q. You keep a correct account of it don't you?—A. At times.

Q. And you turn it in as an expense account?—A. Yes.

Q. And the bookkeeper or treasurer pays you?—A. No, I get the money from Weigand.

Q. Weigand doesn't pay you your regular expenses in cash?—A. This time he does.

Q. How long has he been doing that?—A. Why he has been giving it to me right along.

Q. Do you say that Weigand pays you your regular expenses, which you incur from going around from hotel to hotel, and has for years?—A. At times.

Q. When did he start to pay you in cash for your expenses for travelling around in your business?—A. It may be a couple of months before the election.

Q. Prior to that time how had you been paid?—A. I got my money mornings when I started.

Q. From whom did you get it?—A. At times from the cashier.

Q. You kept a correct account of it, didn't you?—A. Yes.

Q. And you get paid a salary?—A. Yes.

Q. How are you paid, in cash or by check?—A. By cash.

Q. From the treasurer?—A. Yes.

Q. And you turn in your regular expense account, and the money you are paid from time to time are compared with the expense account; if you have any advances, I mean?—A. Yes.

Q. But you say about two months before the election Weigand started to give you cash?—A. He gave me that at different times.

Q. But it started two or three times before election?—A. Yes.

Q. That was not your regular expense account?—A. Yes.

Q. Why did he give it to you?—A. He is the treasurer and gives us the money at times. Our expense money.

Q. When did he give it to you before last September?—A. I couldn't tell you.

Q. It was not his habit to give you money?—A. Why, at times.

Q. For how many years?—A. I couldn't tell you; I know he has given me money at different times.

Q. How much money did you receive in the month of October from Weigand?—A. I can't tell you that.

Q. Did you file an expense account in the month of October?—A. My expense accounts are over there.

Q. They will show what you received?—A. About what I received.

Q. How much did you receive in the month of October for expense?—A. I couldn't tell you that.

Q. There are two items that you gave us, a week before election and the day before election, one of \$30 and one for \$50; that is \$80.—A. I don't remember; I said from \$30 up.

Q. But your expense account will show it, will it?—A. I think so.

Q. Don't you know?—A. Yes.

Q. Who makes out your expense account?—A. I make it out myself.

Q. How often do you turn it in?—A. Well, I turn it in daily. There are times when it may go for one or two or three days.

Q. You were active in this political campaign last fall?—A. I spoke of different candidates, yes, sir.

Q. You spoke about McLean?—A. Yes.

Q. You visited some time prior to the campaign, within six weeks at least before the campaign, all these 175 places which are within your district?—A. I think I did.

Q. And when you were in them you talked politics?—A. Yes.

Q. And when in them you talked for McLean?—A. Well, not exactly for McLean.

Q. You talked for McLean with the others?—A. I did.

Q. And you spent money for McLean with the others?—A. No; I did not.

Q. How did you spend this money?—A. In the line of my business as a collector.

Q. The day before election what did you want \$30 for for one day?—A. It all depends on how many places I would visit during the day.

Q. How many places did you visit the day before the election?—A. I couldn't tell you; I don't remember where I was the day before election.

Q. Where were you on election day?—A. In Wilkes-Barre.

Q. All day?—A. Yes.

Q. At the polls?—A. No.

Q. Didn't you pay out money for watchers?—A. No.

Q. To anybody?—A. No.

Q. Was your expenses—did they run \$50 a week?—A. Yes; they run more than that at times.

Q. Did they run \$30 a day?—A. At times.

Q. Your expense account for the three months before election will show that you spent some days \$30?—A. I think so.

Q. Can you tell me what your expenses were for the month before election?—A. For the month?

Q. Yes; approximate it. I don't expect it, exactly. For the month of October and the first week in November, say. For five weeks?—A. It may have been \$200 or \$250 for the five weeks.

Q. That is, expenses paid out at hotels in the line of your business?—A. Yes.

Q. You distributed some specimen ballots?—A. Yes.

Q. How many?—A. I couldn't tell you.

Q. About how many?—A. I never kept track. Possibly I had a hundred; I may have had that many.

Q. From whom did you receive them?—A. Weigand.

Q. How were they marked?—A. They were not marked when I got them.

Q. Who told you how to mark them?—A. He didn't tell me how to mark them.

Q. How did you mark them?—A. The Republican State ticket and Democratic congressman.

Q. McLean?—A. Yes.

Q. Who else?—A. I think that is all I marked.

Q. And you prepared these and distributed them to your patrons throughout your district?—A. Yes.

Q. You also distributed a copy of a so-called anti-saloon league letter?—A. Yes.

Q. How many of these did you distribute?—A. Possibly 25.

Q. How many did you distribute in Wilkes-Barre Township?—A. In Wilkes-Barre Township, maybe 10.

Q. Look at this letter [witness shown paper]. Is that a copy of the letter that you distributed? It has been offered in evidence and is dated October 31, 1910, and signed C. H. Brandt. Is that a copy of the letter you distributed among your patrons?—A. I think it is.

Q. How did you receive that copy of this letter?—A. From Weigand.

Q. Where?—A. In the office of the Stegmaier Brewing Co.

Q. In what form do you file your expense account?—A. I make out an itemized account of where I visited.

Q. And you file it in writing with the bookkeeper or treasurer?—A. Yes.

Q. Have you a regular blank for that purpose?—A. Yes.

Q. And these blanks are preserved, are they?—A. Yes, sir.

Cross-examination by Mr. LENAHAN:

Q. You spent no money for McLean at all?—A. No.

Q. You have been an active Democrat for years, have you not?—A. Yes.

Q. And McLean and you are personally great friends, are you not?—A. Yes, sir.

Mr. LENAHAN. We now ask to have the testimony of this witness expunged from the record, for the reason that it is not pertinent or relevant and is incompetent under the pleading in this case.

F. L. SCHOTT, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. What is your business?—A. Vice president of the Bartels Brewing Co.

Q. And you are also its general manager?—A. Yes.

Q. Bartels Brewing Co. has a brewery plant in this county?—A. Yes.

Q. And its offices are located in this county?—A. Yes.

Q. Where?—A. In Edwardsville.

Q. How many men do you employ?—A. Probably a hundred and ten or twenty.

Q. How much money did you use for political purposes during the last campaign?—A. Not a cent.

Q. How much money did you contribute to anyone for political purposes?—A. Not a cent.

Q. How much money did you contribute for the Bartels Brewing Co., to any one for political purposes?—A. Not a cent.

Q. You have, as general manager, control of the finances of the Bartels Brewing Co.?—A. I do.

Q. Do you know Thomas Kennedy, in Edwardsville?—A. Yes.

Q. Didn't you pay him \$40?—A. I didn't.

Q. At no time?—A. No.

Q. Didn't you ask Thomas Kennedy, when you paid him that \$40 to work for Tener and McLean?—A. No.

Q. And didn't he tell you that he couldn't work for McLean, but that he would for Tener?—A. No.

Q. And didn't he take the \$40?—A. No.

Q. Did you see Kennedy during the campaign?—A. I see him pretty nearly every day.

Q. Did you talk politics to him?—A. Well, I did in so far as to ask him how things looked over there.

Q. Was he at your office any time?—A. He is there quite often.

Q. Was he there just before election?—A. Quite likely.

Q. What does he do there?—A. He comes in there.

Q. He is a police officer?—A. Yes.

Q. Did you have a talk with him?—A. Yes; about a week before election. I might have.

Q. About politics?—A. In a general way as to how things looked over there.

Q. You were interested in the political issues?—A. Not particularly, only in so far as the regular candidates were concerned.

Q. Who were you interested in?—A. I was against Watts.

Q. He wasn't running in your district.—A. No.

Q. And Kennedy couldn't help him in any way, could he?—A. No.

Q. And he couldn't give you any information regarding Watts?—A. He didn't.

Q. What other candidate did you discuss with Kennedy?—A. Generally, what the conditions were over there.

Q. Did you discuss McLean's candidacy with him?—A. No.

Q. Not at all?—A. Only as far as he possibly felt an interest in his behalf, as well as I did in behalf of the other candidates.

Q. To that extent you were interested in the political campaign?—A. Anybody would be.

Q. And you were interested in the election of Tener as governor?—A. Yes.

Q. And your interest in him was largely a business proposition?—A. Exactly, but he is also a friend of mine.

Q. You knew that the liquor interests of the county and State supported Tener?—A. Yes.

Q. And you gave him all the influence you could?—A. Yes.

Q. And of course you wanted to get a good return from that borough for him?—A. Wanted to get a good return from everywhere for him.

Q. But you were particularly anxious to get a showing in your own town?—A. No.

Q. Who are your collectors?—A. Jim Russell.

Q. What is his territory?—A. His territory is distributed around and split up pretty much; I can't tell you exactly.

Q. Where does he live?—A. In Kingston.

Q. Who is the next one?—A. William Jenkins.

Q. Where does he live?—A. Edwardsville.

Q. Who is the next?—A. Ralph Wilcox.

Q. He lives in Wilkes-Barre?—A. No.

Q. And what other agents?—A. We have other agents outside.

Q. Who are your agents?—A. For Scranton and the other territory?

Q. No; in Luzerne County.—A. We have got none at all.

Q. Did you have any consultation with Mr. Weigand during the political campaign?—A. I may have, off and on; yes.

Q. Did you have any consultation with him relative to the political campaign?—A. As to the candidates; yes.

Q. As to the candidates?—A. Rather the State ticket particularly and the local representatives who were favorable to the local option.

Q. Where did you have this consultation with him?—A. Well, I was at their office and he was at my office.

Q. You attended a meeting of the brewery interests in his office, Weigand's?—A. I did not.

Q. Who was at Weigand's office at any time that you were there?—A. Weigand and Fred Stegmaier and possibly Chris Stegmaier.

Q. They are the owners of the Stegmaier plant?—A. That I don't know; it is a corporation, I understand.

Q. You know that the Stegmaier people are the owners of their own plant, don't you?—A. I don't know it; no, sir.

Q. You say that no fund was raised in Luzerne County by the brewery interests of which you were a party?—A. No, sir.

Q. How did you come to meet Stegmaier and Weigand at their office?—A. I was there off and on quite frequently.

Q. On business matters?—A. Yes, sir.

Q. How long before election did you have your last consultation with them?—A. Probably three or four days.

Q. Was that by prearrangement?—A. No; I don't think it was. I just happened to be in town and went to see them.

Q. But you did talk politics?—A. Yes.

Q. Do you mean to say that the Stegmaiers or Weigand at no time mentioned McLean's name to you?—A. I don't say that.

Q. They did?—A. They mentioned his name, yes.

Q. And you knew of the close personal friendship existing between McLean and his family and the Stegmaiers and Weigand?—A. I did not.

Q. What did they say to you about McLean?—A. Only that he was a candidate and that naturally they felt favorable toward him and would like to see him elected.

Q. And they asked you to help him wherever you could, didn't they?—A. No; they did not.

Q. Is that all that they said about him, that they were favorable to him and would like to see him elected?—A. That is all they said to me.

Q. Didn't they ask you to do what you could for him among your men?—A. No.

Q. Did you?—A. No; I had no interest.

Q. Did you speak to any of your men about politics?—A. No.

Q. To any of your drivers or agents or collectors?—A. Only in a general way while in the office or like that, but I didn't instruct them to work for anyone.

Q. What did you tell them in the political line?—A. To do as they pleased.

- Q. Did you tell them who you were interested in?—A. No.
Q. You were interested in Tener?—A. Yes.
Q. And you intended to support him?—A. Yes.
Q. Did you ask them to?—A. No.
Q. Did you indicate in any way that you wanted them to work for Tener?—A. No.
Q. You were not active for Tener?—A. I was not active for any particular party as a candidate, so as to go out and spend any money.
Q. What did you do, regardless of the spending of any money, for any political candidate at the last campaign?—A. I did all I could among my friends and acquaintances in talking about him.
Q. You numbered your workers and employees as your friends and acquaintances?—A. I do not.
Q. Who did you talk to?—A. Different parties about the city.
Q. Did you do any talking in and about the borough of Edwardsville?—A. No. I did in my office, but I didn't go out of my way to do any.
Q. Your employees came into your office frequently?—A. They come in and out every day.
Q. You talked politics to them?—A. I didn't.
Q. Not a word?—A. No.
Q. Where did you do your political talking in Wilkes-Barre?—A. At different places, where I met friends.
Q. How long have you been a resident of this county?—A. A year and a half.
Q. Of course you could do more effective political work in Edwardsville than any other place, on account of your short residence in this county?—A. No; I don't think so.
Q. You think you could do more effective political work in Wilkes-Barre?—A. I wouldn't think so—I don't know what influence I might have. I talked favorably for the candidate; that is all.
Q. Did you talk McLean?—A. I spoke to McLean one day, yes.
Q. Where?—A. I think, on the street, in front of the Sterling Hotel.
Q. Do you remember his coming to your brewery?—A. He was there one day.
Q. Why didn't you tell me that you talked to him there?—A. You didn't ask me.
Q. You said that you had talked to him one day, and that was in Wilkes-Barre, and now you say you talked to him another day.—A. You didn't ask me that question.
Q. You talked to him in your brewery?—A. Yes.
Q. How long was that before election?—A. Several weeks.
Q. What did you say to him? —A. He asked if I could do anything for him, and I said if I could I would.
Q. Did you?—A. I don't think I did.
Q. Why did you tell him you would if you could?—A. I didn't think I could.
Q. Did you try?—A. No; I didn't try.
Q. Why didn't you try?—A. I didn't try. As I said before, I am not mixed up in politics and don't want to be.
Q. You told McLean you would do what you could?—A. In a general way I would do what I could for any candidate who was all right.
Q. You were interested in McLean's candidacy to that extent?—A. Yes.
Q. Did McLean meet any of your employees while at your brewery?—A. Not that I know of.
Q. Was there anybody there while he talked to you?—A. Not that I recollect just now.
Q. In your district, that is the legislative district, the legislative candidate Cleary had no opposition?—A. No.
Q. So that there was no legislative fight in your district?—A. I don't think there was.
Q. You have not produced any check books or bank books of your brewery, because there are so many and they are so large and it would interfere with your business to take them away?—A. I am quite willing to have a committee go over and go through my check books and vouchers. I didn't bring them because they are cumbersome, but if you wish to go through them I am willing to submit any particular book you specify, or better still, to have you come over and go through them.
Q. Have you any particular objection to any man going through them?—A. I might have.

Q. For instance, if Mr. Dando or I would want to go over and look at your check books. Have you a cash book?—A. No.

Q. You have no cash book?—A. Just a general book. We run with vouchers.

Q. Do you have an expense account for the collectors?—A. Yes.

Q. And they are filed in your office?—A. No.

Q. Have you any objection to Mr. Dando examining them in your presence?—A. No.

Q. With the understanding, of course that none of your private business will be pried into.—A. I have no objection.

Q. Simply to see if there is anything that may have been spent for political purposes. Did you receive any marked ballot or specimen ballots?—A. I had some specimen ballots, but none were marked.

Q. Where did you get them from?—A. Someone brought them over; I don't know who.

Q. Who brought them over?—A. Some boy.

Q. Where did they come from?—A. I don't know.

Q. Did you know who he was?—A. No; I don't.

Q. What time did he bring them?—A. I don't know.

Q. Were you there?—A. No.

Q. Who told you they were there?—A. They were on my desk when I came back.

Q. Can you find out who brought them?—A. I can try.

Q. Will you try?—A. Yes.

Q. They were probably left with your treasurer, Page?—A. No.

Q. With whom were they left?—A. Some boy brought them in, and they had my name on and were left on my desk.

Q. How many?—A. I should judge about fifty.

Q. What did you do with them?—A. They went in the waste-paper basket.

Q. Did you receive any copies of a letter from the supposed Anti-Saloon League that they sent out?—A. No.

Q. You didn't use these ballots in any way at all?—A. No.

Q. Why not?—A. Why should I?

Q. You were interested in the campaign?—A. I know, but I am not marking ballots for anyone.

Q. Don't you know that these ballots came from the Stegmaier Brewing Co.?—A. I don't.

Q. Did you make any inquiry to see where they came from?—A. No.

Q. Were you assessed according to your output at the last campaign, for political purposes by the State Brewery Association?—A. No, sir.

Q. Did you pay any money or was any money paid by the Bartels Brewing Co. into the State Brewing Association at Philadelphia?—A. The State Brewing Association? I don't know any such association.

Q. Did you pay any political money into any organization?—A. No.

Q. And you were not assessed according to the number of barrels you put out?—A. Not for political purposes, no.

Q. Is there a State brewery organization?—A. Not by that name.

Q. What is its right name?—A. The State Brewers' Association.

Q. You are a member of that, your firm?—A. Yes.

Q. Did you pay them any money in the last political campaign?—A. Not for campaign purposes; no, sir.

Q. What did you pay it to them for?—A. We have an organization, and we keep it up for the benefit of the industry.

Q. Is it purely a business proposition?—A. Yes.

Q. Did you pay them any money last fall? Say within three months prior to the election?—A. I probably did.

Q. Was that your annual assessment?—A. The assessments are quarterly.

Q. And that assessment is made according to your output, is it?—A. Yes.

Q. Was that assessment the usual assessment?—A. Yes.

Q. And at no time during the last year did you pay more than the usual assessment?—A. No.

Cross-examination by Mr. LENAHAN:

Q. I overlooked to call attention to this. You say that McLean went over and asked you or spoke to you about supporting him?—A. Yes.

Q. Do you recollect this answer that you made to him, that you could not support him, because the Republican candidates were the logical candidates and that if cutting began you didn't know but it might hurt the Republican candidates?—A. Yes; I made such a statement.

Q. Whether or not at the time that McLean went over to see you, I want to refresh your recollection. Whether or not at that time he called to see you in reference to some business in the orphans court. Do you recollect that?—A. Yes; he had some business.

Q. About a collection in the orphans court?—A. Yes.

Q. Whether or not it is not a fact that the borough of Edwardsville, where your brewery is located, went very strongly against McLean, do you recollect that?—A. It did.

Q. And very strongly for Tener, didn't it?—A. Yes.

Redirect examination by Mr. JONES:

Q. It is a Republican district, isn't it?—A. I don't know, really.

Q. After I turned you over for cross-examination before, Mr. Lenahan asked you no questions but stopped you at the witness stand, or stepped up to you there and asked you something, didn't he?—A. Yes.

Q. Did you tell McLean that you intended to support him?—A. I told him that at the start, yes.

Q. Haven't you already this morning when on the witness stand this morning, said that you told McLean that you would do what you could?—A. I made that remark; yes, sir.

Q. Then you told him you could not support him?—A. I told him I was for the Republican candidate, and I didn't think I could help—that I didn't think it would help to split the ticket, but I told him after that that I would do what I could for him.

Q. After he talked to you for some time?—A. Yes.

Mr. LENAHAN. We now ask that the testimony of this witness be expunged from the record, for the reason that it is not pertinent or relevant, and is not competent under the pleadings in this case.

J. C. WEIGAND, called on behalf of the contestee and duly sworn by Commissioner Opp.:

Examination by Mr. JONES:

Q. What is your occupation?—A. Manager of the Stegmaier Brewing Co.

Q. You are its general manager?—A. Yes.

Q. And have been for a great number of years?—A. For 15 years past.

Q. Those check books and check stubs which you have been subpoenaed to produce are constantly in use and necessary at your place of business, as you told me before going on the stand?—A. They are; yes, sir.

Q. And are also large and cumbersome?—A. Yes.

Q. And it would be difficult to bring them to this place?—A. It would not be difficult; it could be done.

Q. It could be done, but you would rather not do it? But, as Mr. Schott testified, you would have no objection to any of the counsel for the contestee going to your office and examining your books?—A. And the commissioner as well.

Q. With the understanding, of course, that there will be no violation of your business transactions?—A. Yes.

Q. You are associated with Mr. McLean, the contestant here, in some business enterprises, are you not?—A. I am.

Q. What are they?—A. The Fenwick Lumber Co.

Q. You are president of that and he is treasurer?—A. Yes.

Q. Are there any other interests which you have?—A. Not any live interests at present.

Q. You have been interested with him in the Wyoming Valley Ice Co.?—A. Yes.

Q. Are you interested in the First National Bank?—A. Only as a stockholder.

Q. Of course you have a close personal friendship for McLean, and he has for you?—A. Yes.

Q. That has existed for a great number of years?—A. Yes.

Q. His father, William S. McLean, has been attorney for the Stegmaier brewing interests for many years—for a long time prior to your going there?—A. Thirty or forty years and possibly longer than that.

Q. Did you receive any political contributions during the last campaign?—A. No, sir.

Q. Did you make any expenditures of money for political purposes?—A. I did spend some.

- Q. Either in your own behalf or on behalf of the Stegmaier Brewing Co.?—
 A. I did spend some money.
 Q. About how much?—A. I don't know.
 Q. Before we come to that—about how many men are in your employ?—
 A. Between 270 and 300 men.
 Q. Do you mean in the city of Wilkes-Barre or in the county?—A. That is our employ list outside of Luzerne County there may be—
 Q. We have no interest in your employees outside of Luzerne County?—A. We will say we have over 200.
 Q. You have a distributing plant at Avoca?—A. Yes.
 Q. And at Pittston another one?—A. Yes.
 Q. And one at Hazleton?—A. Yes.
 Q. And one at Nanticoke?—A. Yes.
 Q. And one at Plymouth?—A. Yes.
 Q. And at Freeland have you one?—A. No.
 Q. Are there any other distributing plants outside of the city of Wilkes-Barre, in Luzerne County?—A. No; you have named them all.
 Q. Who is the manager at Hazleton?—A. Did you get the one at Glen Lyon?
 Q. That is in Newport Township?—A. Yes.
 Q. Who is the manager at Hazleton?—A. Chas. Russell.
 Q. Where does he live?—A. In West Hazleton. Our plant is located at West Hazleton.
 Q. Who is your manager in Newport, at Glen Lyon?—A. Fred Doak.
 Q. Is Con Gallagher in your employ?—A. Not that I know of.
 Q. Who is the manager at Nanticoke?—A. John Troliskey. They are not managers, they are storehouse keepers and have charge of the plant there.
 Q. And at Pittston?—A. Jake Retherbolt
 Q. And at Avoca?—A. Frank Doran.
 Q. And at Nanticoke?—A. Andrew Rubishat. You have them all, I guess, now.
 Q. Have you a manager at Plymouth?—A. No; we have not.
 Q. How many brewery agents and collectors have you altogether that come into your office in the city of Wilkes-Barre, that work from your office?—A. We have—
 Q. I wish you would name them, beginning with the two already here this morning.—A. R. A. McAndrew, Hugh Price, John P. Hill.
 Q. Where does he live?—A. In the city of Wilkes-Barre. Oliver Clauss.
 Q. Where does he live?—In the city of Wilkes-Barre.
 Q. Where does he operate?—A. Plains Township.
 Q. Where does Hill operate?—A. Hill operates in the railroad shipping territory, that is outside of this county.
 Q. Who are your others?—A. I guess I named them all.
 Q. Have you a man named McDermott in your employ?—A. He is a collector located at Scranton, but he works from the Wilkes-Barre office.
 Q. Does he visit hotels and restaurants for you in the county of Luzerne?—
 A. In some sections.
 Q. What sections?—A. Pittston.
 Q. Doesn't he drive down through below Wilkes-Barre city?—A. No.
 Q. Did he?—A. He used to.
 Q. What is his first name?—A. James McDermott.
 Q. Where does he live?—A. In Scranton.
 Q. You have a man named Dugan at Plymouth, have you not?—A. Yes.
 Q. What is his business?—A. Collector.
 Q. What is his name?—A. Harry.
 Q. He lives at Plymouth?—A. Yes.
 Q. Have you a collector at Nanticoke?—A. McAndrew takes that.
 Q. Who takes Pittston?—A. Dugan.
 Q. Dugan does that also?—A. Yes.
 Q. And McDermott?—A. He don't collect there; his family lives there.
 Q. Who collects on the other side of the river, from Kingston up?—A. Dugan and Clauss and McAndrew, the three of them. They go into that territory.
 Q. You say you did spend some money for political business in the last campaign?—A. Yes.
 Q. About how much?—A. I can't recollect.
 Q. Well, about; approximate it.—A. Possibly six or eight hundred dollars.
 Q. That is putting it pretty low, isn't it?—A. Well, I don't know whether it is, or high. I haven't looked.

Q. Price testified that you gave him \$80 and Schultz testified that you gave him \$85. Who else did you give money to for political purposes?—A. I have given all the collectors more or less money at different times.

Q. For the purpose of politics?—A. For the purpose of advocating the retention of the present Brooks high license law.

Q. In other words, against local option?—A. Yes.

Q. Of course you were interested in Mr. McLean's behalf?—A. Personally; yes, sir.

Q. And in so far as you were able to, you had your men help his cause?—A. As far as I was able to; yes.

Q. So that when you gave money out to these men, wherever they could say a kind word or do a good thing for McLean's candidacy they were to do it, in any instance where it was consistent with the stand you took on the liquor question?—A. Yes.

Q. Do you know how much you gave Clauss for political purposes?—A. No.

Q. How much did you give Dugan?—A. I don't recollect.

Q. You did give Dugan money?—A. I don't think I missed any of them. I think I gave all of them some money.

Q. Did you keep any record of it?—A. No.

Q. Whose money did you give them?—A. The firm's money, the same as I would give them at any time when they were going out to make collections or visits.

Q. Are you the man who pays the money out to your collectors for personal expenses?—A. At times.

Q. Ordinarily it is the cashier who pays them?—A. The cashier.

Q. You have so many other interests to attend to, for there are so many details—A. There is a lot of work of that sort.

Q. You are at the brewery practically all the time?—A. All the time.

Q. And you have full charge of all its interests?—A. I have.

Q. You have also full charge of the Stegmaier Realty Co.?—A. No, sir.

Q. Have you anything to do with the Stegmaier Realty Co.?—A. No, sir.

Q. In no way?—A. No, sir.

Q. How many saloon properties in Luzerne County does the Stegmaier Realty Co. own?

Mr. LEAHAN. You are not obliged to answer that and you need not answer. A. I decline to answer.

Q. Isn't it a fact and don't you know that the houses owned by the Stegmaier Realty Co. and the leases for the houses owned by the Stegmaier Realty Co. contain a clause that if they don't buy their beer from the Stegmaier Brewery Co., that their leases shall cease?—A. I know that is not in the leases.

Q. Is there any understanding with the tenants of the Stegmaier Realty Co. that they must buy beer from the Stegmaier Brewing Co.?—A. No; none, whatever.

Q. Can you give me an idea, as general manager of the Stegmaier Brewing Co.? I don't ask the names, but the number of hotel keepers in Luzerne County that you have judgments against.—A. I decline to answer that.

Q. And isn't it a fact that if a man refuses to buy your beer that you issue an execution on your judgment?

Mr. LEAHAN. You need not answer.

A. I can answer that, because it is not true.

Q. McLean came to your plant during the campaign, didn't he?—A. As he did before and since.

Q. I know he has been there since. You had a talk with him since you were subpoenaed, didn't you?—A. I see him practically every other day, if not every day.

Q. Last Thursday afternoon he was at your plant, wasn't he?—A. I don't recollect whether he was or not.

Q. Since you have had this subpoena served on you, have you talked with McLean about the subject matter of this examination?—A. No.

Q. Did you tell him that you were subpoenaed?—A. Yes.

Q. Is he your personal counsel?—A. No.

Q. Did you show him your subpoena?—A. I didn't.

Q. Did you talk to him as to your testimony in this case?—A. I didn't.

Q. Of course McLean asked you during the campaign to do everything you could in his behalf, didn't he?—A. He did; it was not really necessary for him to do that.

Q. But he did?—A. Yes.

Q. He took that precaution? Did he go through your brewery and meet your men?—A. Not that I know of.

Q. Or your bottling plant?—A. Not that I know of.

Q. Was he present at any time when the brewery collectors were in your office at any meetings?—A. Not at any meetings; no, sir.

Q. Do you recollect of any time during the campaign when McLean was in your office when at least three of your collectors were present?—A. He may have been there.

Q. And you talked politics then?—A. Possibly.

Q. And of course, as you testified, wherever your brewery collectors or agents could assist McLean you wanted them to do it?—A. That is right.

Q. And McLean knew that you were doing that, didn't he?—A. I don't know whether he did or not.

Q. He asked you to do it, didn't he?—A. Yes.

Q. And you told him you would?—A. I did.

Q. Did you tell him how much money you were spending?—A. I did not.

Q. Did he know at any time?—A. He did not.

Q. Did you tell him at any time afterwards how much money you spent?—A. I did not.

Q. You have been an active politician in your day, before you became established at the head of the Stegmaier Brewing Co?—A. I used to play politics a bit.

Q. You were elected prothonotary of this county?—A. Yes.

Q. At that time you were a citizen of the lower end of the county?—A. Hazleton.

Q. And it was after the expiration of your term as prothonotary that you went with the Stegmaier interests?—A. Directly after that. Of course that is some time ago; that is 16 years ago and politics is much changed since then.

Q. You know what was the old fifth district?—A. Yes.

Q. It is now the third district?—A. That is the Pittston district.

Q. It is called the Pittston district?—A. Yes.

Q. Did you tell anyone since this campaign started—or since it was over, that you had spent \$1,000 in the old fifth or Pittston district?—A. I did not.

Q. Do you recollect how much money you spent in that district?—A. I do not.

Q. Who did you give money to besides brewery agents and collectors?—A. Not anybody that I recollect.

Q. You would recollect it if you had given the money?—A. I should think I would; yes, sir.

Q. The Stegmaier Brewing Co. controls the Susquehanna Brewing Co. at Nanticoke, doesn't it?—A. No; Stegmaiers is independent of the Susquehanna, and it is a separate organization.

Q. It is owned by the Stegmaier family?—A. Stegmaier is a large stockholder.

Q. Did you receive any contributions from the Stegmaier people direct other than the amount you said you used out of the business, for political purposes?—A. I did not.

Q. You sent Schults, your foreman of the bottling department, to have some specimen ballots printed, didn't you?—A. I believe I did.

Q. Who paid for those?—A. I did.

Q. How, by check?—A. No; I guess by cash. It may have been by check.

Q. Was it used for Stegmaiers—in their brewing business?—A. It was.

Q. You had no fund of your own in the campaign?—A. No.

Q. And made no contributions to politics personally?—A. No.

Q. You also found during the campaign a letter being circulated, substantially an Anti-Saloon League letter, didn't you?—A. By your witnesses I understood it was.

Q. And you had Frank Brown, of this city, make a large number of copies of that letter for you?—A. I did not.

Q. Were they made at your directions?—A. I had quite a few struck off at my office.

Q. Where did you get the copy from?—A. A copy was sent to me by a man who received it in the mail.

Q. One of your patrons?—A. No; an associate.

Q. And you had how many copies of that struck off in your office?—A. I don't recollect that.

Q. They were struck off on a mimeograph or some such machine?—A. A duplicating machine we had.

Q. Which turns out a great number of copies rapidly?—A. Yes.

Q. About how many thousand did you have struck off?—A. Not a thousand altogether.

Q. How many less than a thousand?—A. I don't know; I don't think that there were a thousand.

Q. What did you do with these letters?—A. They were distributed among the trade.

Q. By the collectors?—A. Drivers.

Q. You gave those to the drivers?—A. And collectors.

Q. What did you do with those specimen ballots?—A. Sent them out to the hotel keepers.

Q. By whom?—A. Through the collectors, and in some instances, I believe, some of the drivers.

Q. How many drivers have you about?—A. About forty.

Q. Did you send any to Schott, of the Bartels Brewing Co.?—A. I believe I did.

Q. Did you mark those ballots?—A. They were not marked.

Q. How did you instruct your agents to mark them?—A. In some of the districts it was necessary to vote for a Democrat; in other districts it was necessary to vote for a Republican. As I stated before, of course our interest in this campaign was opposed to prohibition, and where the ballot required a marking or splitting of the ticket so-called, the collector or whoever had the specimen ballots in his possession was shown how to vote them.

Q. And in each instance he was shown how to mark it and McLean's name was marked?—A. No.

Q. Wherever it could be done?—A. I don't even know that. The ballots were generally marked for Tener and for the legislative candidates that were favorable to the present Brooks high license law, of course.

Q. Were any of the ballots marked for McLean?—A. I don't believe so.

Q. You were intensely interested in McLean?—A. Not as much as in the other proposition.

Q. Wherever you found it would not hurt your local option interests or your business interests you marked the ballots for McLean?—A. I simply asked them to do so; I didn't give any orders.

Q. Schultz says that when he got some of the ballots that he picked them off the desk and that they were already marked for McLean. Do you know who marked them?—A. I do not, and I think he was mistaken.

Q. How did you instruct your drivers to mark the ballots?—A. Simply to deliver them to parties in his district who asked for them.

Q. How would he know?—A. He had intelligence enough to know how to mark them, and he had these to show to his friends.

Q. And they were all his friends?—A. No; he was to use his judgment and discretion, to show among the patrons.

Q. Your brewery drivers are your employees?—A. Yes.

Q. And the purpose was, in giving him these ballots, to instruct your patrons and friends how to vote?—A. The patrons in most instances knew how to mark the ballots, but it aided them, if possible.

Q. Who informed your patrons?—A. We didn't have anyone do it.

Q. And you say that the amount of money that you expended would not exceed \$500?—A. I don't think so. It may possibly have run over that, or it might not reach that amount.

Q. What means have you of ascertaining how much you spent?—A. I don't believe I have any.

Q. Did you make an entry on your books of the money you spent?—A. In some instances I did.

Q. Would it be marked on your books political?—A. I am inclined to think it would or is so shown.

Q. On Wednesday afternoon of this week at 2 o'clock, would that be an agreeable time to have Mr. Dando come to your office with the commissioner and attorney for the contestant?—A. I would just as leave take it to the commissioner's office.

Mr. LENAHAN. We now ask that the testimony of this witness be expunged from the record, for the reason that it is not pertinent or relevant and is incompetent under the pleadings in this case.

R. B. SHERIDAN, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES.

Q. You are a lawyer and a member of the Luzerne County bar?—A. Yes, sir.

Q. And you held what official position in the Democratic county organization at the last election?—A. Chairman of the fourth legislative district, I think it is.

Q. Don't you know?—A. Yes; I guess that is it, the fourth legislative district.

Q. You received some money to expend on behalf of the political candidates at the last election?—A. I received money to expend for the Democratic ticket.

Q. How much?—A. All the money I received to expend for the Democratic ticket was \$620.

Q. Did you receive that, as has already been testified to here, from E. J. Moore?—A. I received the money from John Moore and William S. McLean, Jr., through E. J. Moore. In other words, I received his check.

Q. You received E. J. Moore's check?—A. Yes.

Q. Mr. Moore said that \$270 of that money was to be paid to Mr. Good, the legislative candidate at Shickshinney, and \$100 to Con Gallagher in Newport Township, and the rest was to be used by you. Did you so use it?—A. No; I think the \$620 was paid to me as chairman of the district to use in any legitimate way I thought best for the purpose of electing the Democratic ticket.

Q. How much money did you give to Good?—A. \$120.

Q. And how much to Con Gallagher?—A. \$100.

Q. Where was he to use that \$100?—A. In Newport Township.

Q. That accounts for \$220 of it.—A. Yes.

Q. How did you spend the remaining \$400?—A. E. C. Barrett, I gave him, I think, \$25.

Q. Where does he live?—A. He lives in Wanamie; that is in Newport Township.

Q. What is his business?—A. He keeps a hotel.

Q. What was he to do with that money?—A. He was to use that money for the best interests of the Democratic ticket in Newport Township and Wanamie, I expect.

Q. And Gallagher was to use the \$100 in the same way?—A. Yes; in Newport Township.

Q. Who was the next man?—A. Steve Sweeney, he lives at Alden, Newport Township.

Q. How much did you pay him?—A. \$25.

Q. That was to be used in the same way?—A. For the Democratic ticket.

Q. In the same township?—A. Yes; of course I just gave it to him to take care in that district of the Democratic ticket.

Q. Who was the next man?—A. John M. Kennedy.

Q. Where does he live?—A. Sheatown, Newport Township.

Q. What is his business?—A. School-teacher.

Q. How much did you give him?—A. I think it was \$20.

Q. Who was the next man?—That was for use in Newport Township?—

A. Yes.

Q. And was on behalf of the whole ticket?—A. Yes.

Q. Who was the next man? Anybody else in Newport?—A. No.

Q. What other man did you pay money to?—A. The balance of it was used, with the exception of some items that I will give you afterwards—the balance was used in employing watchers, etc., in Nanticoke borough. I will give you as many names as I can.

Q. How much was the balance? You gave us \$290 to date, give us the other items. Outside of Nanticoke what money did you spend?—A. I have in my hands \$20, or \$21.

Q. Balance?—A. No. I paid for carriage hire, \$6; for printing, I think, \$3.50, and to boys for distributing some circulars about James, the candidate for Senator, \$3. Now the balance of the money was used in Nanticoke borough.

Q. Give us the names of the men you gave money to, as far as you can recollect, those who received money?—A. I can give you the English names, but I couldn't give the Polish names. Steve Fogarty received \$5.

Q. In what ward?—A. The first ward, I think. Mike Shawn, \$5.

Q. What ward?—A. The first.

Q. Are they both miners?—A. As far as I know.

Q. Give us the name, occupation, and ward of every man.—A. I will if I can. The second ward—in there was two men named Macawish, I don't know their

first names, they were father and son. They received \$10. I don't know their occupation, but I presume around the mines.

Q. Who is the next one?—A. Charley Ball, in the second ward, he got \$5 and Joe Barnosky, he is a laborer; he was in the second ward and he got \$5. I think Barnosky told me afterward he didn't work himself at the polls, but gave it to another man to take his place. In the third ward I didn't hire the watchers myself, but I gave, I think, \$10 or \$15, to a man there, Frank McNelis.

Q. What is his business?—A. He works around the mines somewhere.

Q. For the third ward?—A. Yes.

Q. Who is the next?—A. In the fourth ward, James O'Donnell, I gave him \$25. He employed watchers in Nanticoke.

Q. How many?—A. I don't know. He gave me their names, but I can't give you their names now.

Q. How many did he employ?—A. I couldn't say.

Q. Did one man get the whole \$25?—A. No; he employed the men, more than one, but I can't tell you how many he employed.

Q. Who is the next one?—A. That is in the fourth ward. The fifth ward, Charley Barney Yarashefski. He got \$5. John McNelis, \$5. Frank McKee, \$5. Wm. Delaney, \$5; and a polish man there whose name is either Stavinski, or something like that, and he got \$5.

Q. These men all worked about the mines?—A. No. Yarashefski I don't know anything about, but McKee is a shoemaker, and McNelis, I presume, works around the mines somewhere, and I think Delaney works around the breaker. I don't think either of them work in the mines.

Q. Who is the next?—A. The sixth ward is next. I gave \$5 to James Davis. Q. He is a well-known Democrat, isn't he?—A. He has been a Democrat for several years; yes.

Q. What James Davis is that?—A. Your friend.

Q. What is Davis's occupation?—A. I don't know what it is now; I think he was in the insurance business at that time.

Q. He is the Mr. Davis who is now under indictment in this court for forgery?—A. I don't know.

Q. Haven't you heard that?—A. No, I haven't heard anything about that.

Q. Who is the next one?—A. I don't know about the indictment of Davis, but if he was indicted it was since the 4th of November.

Q. No; you are wrong there. It was last June. Go on.—A. The next one is Joe Rick. They call him "Dud." I don't know what he does, but I think he works around the meat house.

Q. Who is the next one?—A. He got, I think, \$7.

Q. Why did he get something extra?—A. I suppose that was what he asked for.

Q. He got what he asked for, did he?—A. He is a Democrat and has always been a Democrat. The two last I gave were in the sixth ward, and now there was a Polish man there, but I can't give you his name.

Q. Who is the next?—A. I think it was Bednarek; I think he got \$7.50.

Q. He asked for \$7.50, did he?—A. I am sure he wouldn't get it if he hadn't asked for it.

Q. Who else? He charged you \$7.50, and you gave it?—A. No; I think he has always got \$7.50. He has always been a Democratic worker. John J. Boyle, in the seventh, \$5.

Q. He is a miner?—A. No; a watchman.

Q. For what company?—A. The Susquehanna Coal Co. Wm. Hiel, he got \$5.

Q. What is his business?—A. I don't know.

Q. Who is the next one?—A. I think there was a Polish man in the seventh ward, but I couldn't give you his name; he got \$5 if he was employed, but I am not sure whether there was a man there or not. In the eighth ward I can't give you any of the names.

Q. How many did you employ over there?—A. I didn't employ any.

Q. Who did employ them?—A. I don't know.

Q. Who did you give the money to?—A. I didn't give the money to anybody.

Q. No money went in there?—A. As far as I know, no money went in there.

Q. How did you come to neglect such a big ward?—A. Well, it was a pretty good Democratic ward over there.

Q. The eighth ward of Nanticoke is separate from the other part of the town entirely, isn't it?—A. Yes; it is in the town, but is separate.

Q. And it is known as the village of Hanover?—A. Yes.

Q. And it is at least 2 miles from town?—A. No; about a mile and a half.

Q. And it is connected with the main part by a trolley line?—A. Yes.

Q. And you say you didn't spend a cent over there?—A. Not one cent.

Q. Did Malinowski spend it there for you?—A. I don't know. No; not for me. I don't know that he spent a cent in the borough of Nanticoke.

Q. What effort did you make to get the vote out in the eighth ward?—A. I didn't have to make any efforts, it came out for the Democrats.

Q. How did you know that it was coming out without any money for watchers?—A. I didn't know; I took chances on it.

Q. Have you a Democratic committeeman over there?—A. No.

Q. There is nothing very permanent in the Democratic circles.—A. I don't know; you found out last year.

Q. Can you tell me now what moved you to refrain from putting any money in the eighth ward?—A. No; I can't.

Q. Go on to the ninth.—A. In the ninth Frank Peterson, he got \$5; Charles Thorn, \$5.

Q. They are miners, are they?—A. I don't know.

Q. They worked about the mines, didn't they?—A. I presume so, but I can't tell you. Really, I don't know what their occupation is. A man named Bomboy, he got \$5 or \$10, I don't know which it was. The rest of them that were in there were Polish, and I can't give you their names.

Q. How many men did you have in there?—A. Two or three.

Q. And they were paid \$5 a piece?—A. No; I think \$10 a piece, or possibly two of them got \$10.

Q. Go on to the next ward.—A. As to the tenth and eleventh, Joe Benick got \$5, and there was a man named Adamsky got \$5, and now I am almost sure there was some Polish man in the tenth ward, but I can't give you his name. That is in the tenth. As to the ninth and eleventh—

Q. You gave the ninth.—A. I can't give you the eleventh, except in this way, that I can give you the names of some Polish watchers in addition to what I told you, but what wards they were in I couldn't tell you.

Q. About how many other men did you employ in the eleventh ward?—A. I can't give you anything any better excepting the way I will give it to you now.

Q. How many other men did you employ, regardless of where they were working, excepting that it was in the borough of Nanticoke?—A. Possibly 10 or 12.

Q. Some of them may have worked in the ninth ward?—A. Yes.

Q. You are sure now that nobody worked in the eighth?—A. I don't think so, except—I think I will name one that worked in there—no; I can't be sure.

Q. How many men do you know that you paid money to besides what you have already enumerated?—A. There was a man named Chetzka, and a man—I am not sure of his name. I think a man named Marsonavich.

Q. Each got \$5?—A. I can't tell between these.

Q. Do you know where they were working?—A. I can't tell you. I know they were working as poll men in some of the Polish wards, but I can't tell you just where now.

Q. Did you keep any list at all?—A. I jotted them down at the time on the backs of specimen ballots, or one thing or another of that kind.

Q. Those lists are now gone, are they?—A. Yes; I haven't got them. Charles Michalosky, he got \$5.

Q. These foreigners, whom you are naming now, worked in and around the mines, to the best of your knowledge?—A. I think so. Almost everybody in Nanticoke works in and around the mines. They would starve if they didn't work around the mines. Joe Shesney, I think his name is; I think he got \$10. Strawinsky, he got—I know he got over \$5, but whether it was \$7 or \$8 or \$10 I can't tell you. There were two men named Bednarik. You have one, and there is another man has the same name, he got \$10.

Q. Do you know where he worked?—A. No; only that I know he was working in some of the wards of the borough of Nanticoke. There was a man named Zulkofski; what he got I couldn't tell you, but maybe \$5 or \$10. Joe Zuransky I think got \$10, and that is all I can think of just now. I know all the balance of the money was spent for watchers, and that makes the whole thing.

Q. Did you pay any of this money out by check?—A. No.

Q. Did you deposit this money in your personal account?—A. Yes.

Q. And you withdrew it by check payable to yourself?—A. Yes.

Q. In how many checks?—A. Two.

Q. Can you give the amounts?—A. Yes; the first check I drew after I put the \$620 in the bank, together with \$30 of my own, on the 3d of November. I deposited \$650 that day and drew out the next day \$200. I think by check, and subsequently, I drew out \$310, the \$10 being for my own use.

Q. That is \$500?—A. And of course I gave a check to Good for the \$120.

Q. That was the only item paid by check?—A. Yes; that is the only item I paid by check.

Q. Where was Good to use this money?—A. In the fourth legislative district. Outside of Nanticoke and Newport.

Q. And it was to be used for the entire ticket?—A. Yes.

Q. Including McLean?—A. Including McLean.

Q. Have you got the checks here?—A. I have the checks, but they are in Nanticoke; I forgot them this morning.

Q. Will you let me look at that one check stub?—A. Yes; you see I knew nothing absolutely about the district, outside of Nanticoke.

Q. Turn to that particular check, the Good check.—A. That was taken out of the back of my book. There is not a thing on the stub, but I can bring the check. I think it is No. 507, but there is nothing on the stub. The way I come to do that was this: I either telephoned or wrote to Good to come up and meet me at my office at Nanticoke, and I always keep my check book here where my law office is in Wilkes-Barre, and I tore a check out of the back of my book and put it in my pocket and filled it out down there and when I came back I didn't fill in the stub.

Q. Why didn't you tear it out at the regular place in the book?—A. I couldn't tell you. Here are some others torn out for my own use.

Q. Then you went to the back of your check book and took out a check for Good, instead of taking one out in its regular order? A bank check.—A. Yes.

Q. Where, in your check book does that withdrawal of that \$120 appear?—A. In my check book?

Q. Of course, it was charged to your account?—A. It appeared nowhere, except on the check itself.

Q. Don't you balance your check book as you go along?—A. The balance in the bank?

Q. Yes.—A. No; it is always so small I don't.

Q. Have you any check stubs at all?—A. Yes; you will find some there; they are not all filled out.

Mr. LENAHAN. Good was the Democratic candidate for the legislature?

A. Yes.

Q. And he was located in a farming district?—A. Yes, I don't know anything about that.

Mr. JONES. Did you file any account in the clerk of the court's office?

A. No. Under my interpretation of the act of assembly being a committee-man and that money having passed through the hands of the treasurer, I was not bound to.

Mr. LENAHAN. Mr. De Witt was on the Keystone ticket?

A. Yes.

Q. And Good and De Witt were both on the Keystone ticket? They were indorsed by the Keystone Party, but they were regular candidates of the Democratic Party?—A. Yes.

Mr. LENAHAN. We now ask to have the testimony of this witness expunged from the record for the reason that it is not pertinent or relevant, and is incompetent under the pleadings in this case.

(Hearing adjourned until 10 o'clock a. m. Monday, April 3, 1911, at the same place.)

MONDAY, APRIL 3, 1911.

Hearing resumed at 10 a. m. pursuant to adjournment in the sheriff's sales room, courthouse.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq.; John H. Dando, Esq.; Wm. L. Bowman, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John E. Jenkins, Esq.; A. C. Campbell, Esq., counsel for contestant; George R. McLean, contestant, in person.

Mr. JONES. Counsel for contestee offers in evidence notice of hearing and list of witnesses as follows:

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To GEORGE R. MCLEAN, contestant, or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, Esq., and JOHN E. JENKINS, Esq., his attorneys:

You are hereby notified that on Monday, the 3d day of April, 1911, at 10 o'clock in the forenoon at Room No. 12 (sheriff's sales room), in the courthouse

at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may hereafter be subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoenae and requiring the attendance of witnesses before him as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

William Houser, Lewis Houser, William Harris, Wilbur McMillan, Parsons, Pa.; M. F. McDonald, Sugar Notch, Pa.; John Franklin, Wm. Kelly, Phil. Straub, James McFadden, Thomas Kennedy, Edwardsville, Pa.; Robert Tenant, Joseph Gelr, Joseph Baer, Daniel Lynch, George R. McLean, George Thomas, Wilkes-Barre, Pa.

C. C. BOWMAN, *Contestee.*

Service accepted March 31, 1911.

GEORGE R. MCLEAN, *Contestant.*

PHILIP STRAUB, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. Where do you live?—A. Edwardsville.
 Q. What is your business?—A. I am in the saloon business.
 Q. You keep a hotel, do you, or a saloon?—A. Yes; a saloon.
 Q. Do you know William Kelly?—A. Yes, sir.
 Q. What is his business?—A. Driving a beer wagon for Bartels.
 Q. Did you receive any money in the last campaign for any candidate?—A. No; I didn't receive a 5-cent piece, and I can vouch that there was not even a 5-cent piece spent in my place from either side.
 Q. Were you at Mr. McLean's office?—A. I was.
 Q. Who was with you?—A. William Kelly.
 Q. How many times were you and Kelly at McLean's office?—A. Once is all that I was there.
 Q. You went first on the 2d day of November, didn't you?—A. I can't remember; I don't know. I didn't go just for that purpose.
 Q. I haven't asked you yet what purpose you went for.—A. I don't know what day I was there.
 Q. Who asked you to go to McLean's office?—A. Why, nobody.
 Q. Didn't his brother, Percy, ask you to come over to the office?—A. No.
 Q. How did you come to go over with Will Kelly?—A. We know one another and we got talking over things, and that is how we happened to go over there.
 Q. Where did you meet Kelly that day?—A. In my place, and he takes a beer or a seltzer, and that day we came over.
 Q. Where did you meet Kelly that day?—A. I was in McLean's office when he came in.
 Q. Didn't you and Kelly come over together?—A. No.
 Q. Haven't you already said that you and Kelly came over together?—A. No; we didn't come over together. I came myself and he came after me.
 Q. You knew that Kelly was coming?—A. Yes; I knew that.
 Q. When did Kelly tell you that he was coming?—A. He didn't tell me that he was coming or anything.
 Q. How did you know that he was coming?—A. He told me he was going to come over.
 Q. Was it the night before you came over that he told you that?—A. No; he told me that day.
 Q. What time in the day did you come over to McLean's office?—A. I couldn't tell you; maybe around 10 o'clock, or somewhere around there.
 Q. What time of the day did Kelly tell you he was coming over?—A. I couldn't tell you.
 Q. How did you know that he was coming over? You say he told you. Kelly told you in Edwardsville that he was coming to McLean's office?—
 A. Yes; I told you once.
 Q. And he wanted you to come over with him?—A. Yes.
 Q. What did he want you to come over for?—A. I don't know.
 Q. What did he say that he wanted you to come over for?—A. He didn't say to me.
 Q. How much money did you ask McLean for?—A. I didn't ask him for any.

Q. How much did Kelly ask him for?—A. I don't know.

Q. You were there?—A. Yes.

Q. How much money did Kelly ask him for?—A. I couldn't tell you; I didn't hear it.

Q. What were you talking to McLean about?—A. I wasn't talking to McLean at all.

Q. Didn't you and Kelly ask George R. McLean or his brother Will for \$200?—A. I didn't ask him at all.

Q. Did Kelly ask that?—A. Maybe he did.

Q. Don't you know that he did; weren't you there?—A. I told you before that I couldn't tell you what he asked for.

Q. Why can't you tell me what he asked?—A. I couldn't tell you at this time.

Q. Why can't you tell me?—A. Because I didn't hear what he asked for—if it was \$200 or \$500 or \$1,000.

Q. Did Kelly tell you how much he asked him for?—A. Yes.

Q. What did he tell you?—A. He said he asked him for \$225.

Q. What for?—A. I don't know.

Q. What did McLean say to you?—A. To me?

Q. Yes; to you and Kelly?—A. He was talking to Kelly; he wasn't talking to me at all.

Q. How much money did McLean offer you and Kelly?—A. He didn't offer me any.

Q. How much did he offer Kelly?—A. I don't know.

Q. What were you doing in McLean's office?—A. It was my business. It was on my business; he is my lawyer, and that is what I was coming over for.

Q. You went with Kelly?—A. Yes; I told you.

Q. You and Kelly went on politics?—A. I went on my own business.

Q. Were you in the room when Kelly talked politics to McLean?—A. I was, yes.

Q. Why were you sitting in the room when this man had private business with McLean?—A. He was talking to one man and I was talking to another, and we were talking to men there.

Q. You were talking politics?—A. I didn't go talking politics at all.

Q. Which one were you talking to?—A. Bill.

Q. The brother, William McLean, Jr.?—A. Yes.

Q. And Kelly was talking to George?—A. Yes.

Q. Didn't McLean and his brother tell you that they would give you \$35 for the count in the second ward of Edwardsville?—A. No.

Q. What did he tell you?—A. He didn't tell me nothing, I tell you.

Q. Did you and Kelly go out together?—A. If it comes to telling the truth, I just can't remember whether we did or whether he sat in there or not.

Q. When did Kelly tell you that he wanted \$225?—A. I couldn't tell you just what date it was.

Q. You and Kelly went home in the same car?—A. No.

Q. Didn't McLean tell you and Kelly to come back on the Friday before the election, and didn't you come?—A. No, I didn't.

Q. Either one or both of you to McLean's?—A. No.

Q. And you and Kelly were not in McLean's office on political business?—A. I don't know; I tell you that straight here.

Q. Were you at the polls on election day?—A. No.

Q. And you were not in McLean's office on the Friday before election?—A. No.

Q. How did Kelly come to tell you that he had asked for \$225?—A. I couldn't tell you.

Q. What did you say to Kelly when he told you that?—A. I said all right, if you can get it all right, and if you can't I don't care.

Q. What did Kelly say he wanted it for?—A. I don't know what he wanted it for.

Q. Why did you say if he could get it it would be all right?—A. Did you hear it?

Q. Didn't you just say it?—A. If he could get it it would be all right; I don't know what he wanted it for.

Q. Had you any idea what he wanted it for?—A. I wasn't in politics or anything; I wasn't there two minutes. I went there and voted and went out.

Q. Have you been to McLean's office in the last week?—A. No.

Q. When was the last time you were there?—A. Probably six weeks ago.

Q. How long before the election were you in McLean's office?—A. I told you I was in there quite often; that is my own business. On account of I had busi-

ness to do with him. That is what my business was, and I had no business with him on account of the election.

Q. How many times were you in there right before election?—A. I couldn't tell you; maybe a dozen times, through the whole year, that is.

Q. No; in the two weeks before the election how many times were you in there?—A. I don't know; maybe, I don't know, two or three times, but not on account of the election. It was on account of my own business.

Q. The Stegmaier Brewing Co. own your hotel where you live?—A. I tell you they didn't own it then.

Q. When did they buy it?—A. Around the first of the new year.

Q. And you say that last year the Stegmaier Realty or Brewing Co. didn't own the house you lived in there?—A. No; they didn't.

Q. Who did own it?—A. John Harkins.

Q. And he sold his property to the Stegmaier Realty Co. over a year ago, didn't he?—A. No, sir; it was just sold about around the new year.

Q. Have you talked with Will Kelly since you were subpoenaed?—A. No.

Q. Have you seen him since you were subpoenaed?—A. No.

Q. Is he here?—A. Now, I don't know.

Q. Did you see him here?—A. No.

Q. He is a driver for Bartels Brewing Co.?—A. That is him.

Q. So you say now that McLean didn't offer you and Kelly \$75 to get him the count in the second ward—the count of the vote?—A. He didn't offer me whatever he offered Kelly, I don't know what he offered him.

Q. How much did Kelly say he offered him?—A. I couldn't just remember what he said.

Q. Did he tell you that he offered him a sum of money, but you can't remember how much?—A. No.

Q. When was it that Kelly told you how much he offered him? How much McLean offered him?—A. I guess that same day.

Q. Was it as much as \$225, what McLean offered?—A. I don't know, I couldn't tell you, if it was 5 cents or \$100.

Q. You mean you can't remember the amount?—A. I didn't hear what he offered him, not what I can't remember.

Q. Didn't you say a minute ago that you couldn't remember what Kelly told you?—A. That is what I did say.

Q. Kelly told you he asked for \$225 and McLean would not give it to him.—A. What he said, whether he gave it to him or not, I don't know.

Q. Didn't Kelly tell you what McLean said, how much he said he would give him?—A. I can't remember what he told him, what he would give him.

Q. But he did tell you that McLean was willing to give him something?—A. I told you I didn't know what he was willing to give him or what they were doing.

Q. Did Kelly tell you McLean had offered him any money?

Mr. CAMPBELL. We are willing to give you the widest latitude Mr. Jones, but what one man said, what one man quoted and told, what A told B and what B told C we think is a rather far-fetched question. This is objected to.

Q. What is your answer to my question? Did Kelly tell you how much McLean offered him?—A. I told you I didn't know.

Q. You don't know whether he told you or not?—A. No.

Q. And you don't know whether Kelly told you or not?—A. No. Didn't I tell you already? How many times do you want me to tell you.

Q. Just until you get it straight.—A. That is the straightest I can get it. That is all I know.

Q. Then you don't remember?—A. I said I didn't know nothing.

Q. Wait until I finish my question. Wait until you hear it all and try to answer it intelligently. Can't you remember now whether Kelly told you how much money McLean offered him?—A. No.

Mr. CAMPBELL. Contestant moves to strike out this testimony as immaterial and irrelevant, not supporting any of the allegations contained in the answer served in this case on the contestant.

JAMES McFADDEN, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You were judge of election in the second ward of the borough of Edwardsville at the last election?—A. Yes.

Q. Who were the other officers on that board?—A. John Kearney and John Gibbons.

Q. They were what?—A. Inspectors.

Q. Which one was the majority inspector?—A. Gibboney.

Q. Who were the clerks?—A. Thomas Shields and John Harkins.

Q. Harkins and Shields have testified here that in their recollection of the vote as cast and counted on the night of the election that the vote cast for McLean and Bowman was not the same as returned to court: is that so?—A. No, sir; I don't know what their recollection was, but I know the returns. I don't know just exactly myself what the returns was; I don't remember but what I saw in the newspapers. That is all I know of what they said was what they said in the newspapers.

Q. The returns were the same as the returns which you sent in and returned to court? You took them to court?—A. Yes.

Q. They were the returns signed by every officer?—A. By every officer, certainly.

Q. After the vote was counted?—A. Yes.

Q. And that was the true and correct return of the vote as cast on that day, was it?—A. Yes, sir.

Q. Mr. Shields says that, while he may be wrong, he has some recollection that the return sheets were signed in the morning, is that so?—A. Not by me and the two inspectors, they being clerks; I don't know what they done, but when we signed their names was on the sheet, but we didn't sign until after, when we were finished.

Q. After the vote had been counted and tabulated?—A. Yes, the two inspectors and me sat down at the table and they passed the sheets. They may have been signing when they were passing them around to us.

Q. But when the sheets came to you they had the signatures of the two clerks on it?—A. Yes.

Q. And you and the two inspectors signed the returns after the polls were closed and the returns counted and the ballot box sealed up?—A. Yes.

Q. And the ballot box was delivered, as required by law, that night, to the nearest justice of the peace, Squire Hatton?—A. Yes.

Q. Who retained the key?—A. I have one yet and I delivered one to Mr. Turner.

Q. State whether or not these keys or either of them were ever out of your possession until you delivered one to the commissioner.—A. No.

Q. State whether or not you opened the box or touched it in any way after the vote was counted and it was sealed.—A. No.

Q. And no one else had any key with which to open it?—A. No.

Q. Do you know Mike Walsh?—A. Yes.

Q. Where is Mike now?—A. At the Mercy Hospital.

Q. He is sick?—A. Yes.

Q. What was his business last June and July?—A. Hotel keeper.

Q. Where?—A. On Main Street, in the second ward of Edwardsville.

Q. Do you remember a short time after the primaries of being in his hotel when William S. McLean, brother of this contestant, was there?—A. Yes, sir; he was there several times; I seen him there two or three times.

Q. State whether or not you saw him there about a week after the primaries.—A. Yes; or the next week after; Thursday or Friday or something like that.

Q. Thursday or Friday after the primaries?—A. Yes.

Q. State whether or not at that time any money to your knowledge was paid by McLean on behalf of his brother's candidacy to Mike Walsh.—A. Yes.

Q. How much?—A. \$50.

Q. Were you in the hotel at the time it was paid?—A. No; I came in just after he handed it to Walsh.

Q. What did Walsh say to you, if anything, in McLean's presence?—A. He said, "Mac, McLean has given me \$50 and I have it here in my pocket," and he showed it to me.

Q. He showed it to you in McLean's presence?—A. Yes.

Q. What else, if anything, did either of them say?—A. I said, "It is nothing to me what he gave you," and he said, "This is for the election," and I said, "That is past and he didn't get anything in this ward."

Q. What was the vote there for them?—A. I don't remember the exact figures, but I know that McLean got very few votes.

Q. The man who ran against him lived in Kingston Borough, adjoining that second ward?—A. Yes.

Q. He was practically a local candidate?—A. Yes.

Q. And he received a large majority of the votes?—A. Yes; he got a big vote.

Q. McLean received every vote cast for him, but this man lived there?—A. Yes; I know it was not 20.

Q. As against ninety something?—A. Yes.

Q. And you said McLean made no showing in your ward?—A. Yes.

Q. Then what was said as to what was to be done with the money?—A. He said, "Remember us next fall."

Mr. CAMPBELL. Who said that?—A. Will McLean.

Q. Did you get any of the money?—A. Yes.

Q. How much?—A. \$10.

Q. Who gave it to you?—A. Mike Walsh.

Q. Do you know what he did with the rest?—A. Only what he told me.

Q. What did he tell you?—A. He told me he gave Will Kelly \$10.

Q. Who is he?—A. Beer driver for Bartel's Brewery and assessor of the ward.

Q. Who else?—A. Martin Kelly.

Q. Who is he?—A. A first cousin of Will Kelly and at that time councilman of the ward.

Q. How much did he give him?—A. \$5.

Q. Who else; did he give Thomas Kennedy any?—A. Yes.

Q. How much did he give him?—A. \$10.

Q. He is assistant chief of police?—A. Yes.

Q. That made \$35. Did he tell you what he did with the rest?—A. He said he kept \$15 for incidental expenses for himself.

Q. You say that at the time you told Will McLean that nothing had been done in the ward for his brother or that he hadn't made any showing there, or words to that effect?—A. Yes.

Q. And he said, "Keep this for the election"?—A. No; "Remember us the next election."

Q. Of course McLean gave you none of this money?—A. No; I didn't have any talk with McLean.

Mr. CAMPBELL. Mr. Robert Tenant, an employee of the Scranton Brewery, of Pittston, a collector for the Glennon Brewery, of Pittston, who was subpoenaed for to-day, after being interviewed by Mr. Jones, of counsel for contestee, is excused as a witness.

Mr. JONES. For the present he is.

Cross-examination by Mr. CAMPBELL:

Q. You say you saw the morning after the election the returns of the vote in the Wilkes-Barre Record, but not as returned by the second ward of Edwardsville?—A. No; I didn't. It was when this contest started.

Q. Did you see the record of the vote in the Wilkes-Barre Record the next day as in the second ward of Edwardsville?—A. I don't remember noticing it.

Q. Was it in the Times Leader?—A. No; I don't take either one.

Q. Was it in the Evening News you saw it?—A. No.

Q. What daily paper do you take?—A. The Evening News I get.

Q. Did you look at the election returns in the Evening News after the election?—A. Well, if I did I have no recollection of it now, but I might; I generally do; yes, sir.

Q. And you looked to see how the vote was returned from Edwardsville, didn't you?—A. Well, I may have; yes, sir.

Q. As a matter of fact, in nearly every election there has been some ground for discussion about the return as made to the court in computing the returns of the vote cast in various districts of the county; that is true, isn't it?—A. I have heard of it; yes, sir.

Q. And a great many—a number of election boards have been arrested for fraudulent returns of votes; you heard of that?—A. According to the newspaper reports; yes, sir.

Q. And in all the papers for the past four or five years there has been general discussion about the outrages committed by some election boards in the county of Luzerne?—A. I have seen that in the papers.

Q. And the fourth ward of Kingston is just adjacent to the second ward of Edwardsville, isn't it?—A. Right across the street.

Q. And the fourth ward of Kingston election returns have been frequently discussed?

(Objected to as not cross-examination.)

Q. Isn't that a fact?—A. I don't remember of ever seeing the fourth ward of Kingston.

Q. Did you ever hear of any of the election officers of the fourth ward of Kingston being arrested for stuffing the ballot box or making a fraudulent return?—A. I believe there was one of the officers of that ward there tried that time, but I don't know whether it was stuffing the ballot box or not; I didn't take any interest in the case.

Q. It was a matter relating to the election?—A. I couldn't say.

(All this is objected to as not cross-examination.)

Q. Do you mean to say that you didn't look at the election returns to see whether the return of your ward was correct or not?—A. I didn't question any of the returns, except by the sheet, and I didn't know what they got, all of them, and had no reason to look at it, and don't know whether I did or not.

Q. After the vote was counted you posted the election returns, didn't you?—A. Yes.

Q. Do you recollect Shields marking on a specimen ballot the vote as cast for Congress? Do you recollect Shields marking a specimen ballot what the vote was in that district and giving you one?—A. No, sir.

Q. Do you recollect his copying from the proper count and giving every member of the board one of these specimen ballots with the votes marked on it?—A. No.

Q. You don't say he didn't?—A. No; he might have.

Q. Do you recollect Shields going to the phone and calling up the Wilkes-Barre Record and telling them what the vote was for Congress in that district?—A. No; I don't.

Q. Would you say he didn't?—A. I don't say he didn't; no, sir.

Q. Were you in the election room continually during the day?—A. I went home for my meals a couple of times.

Q. You were much interested in the election of Tener, were you not?—A. Yes; to a certain extent.

Q. How much money did you use for Tener?—A. Not any.

Q. How much money were you betting that day on the election of Tener?—A. I was betting hundreds of dollars, the kinds of dollars it was, though—we had a lot of phony money from Coney Island that day and I had some of the fellows over there going with it—yes, I had a few of them fellows, the Berry men, going all right.

Mr. JONES. You made no actual bets, did you?—A. No.

Mr. CAMPBELL. What time did you go for your dinner?—A. I don't remember the hour.

Q. About what time?—A. Anywhere from 11:30 to 1 o'clock.

Q. Then the only time that you were out of the polls was when you went for your dinner?—A. No; when I went for my supper, too.

Q. When did you go for your supper?—A. About 5 o'clock.

Q. At any other time?—A. Out front; yes.

Q. Were you away from the election polls at any other times?—A. I was across to the drug store a couple of times; yes.

Q. Where else were you?—A. That is all that I can remember of; I went over for a couple of cigars.

Q. Did you go down as far as Frank Burba's place in the afternoon?—A. I don't know, but it is so close that I may have walked down there.

Q. How far is it?—A. About as far as from here to the end of the room.

Q. About 100 feet?—A. I don't know, maybe it is 50 or 60 feet.

Q. Then you did go out of the room a number of times, other than when you went to your dinner and supper?—A. I stepped outside, yes; when there was no voting going on.

Q. Did you meet Rosser or Dr. Shively?—A. I met Rosser at the door of the polls; yes.

Q. Were you offering to bet any money there?—A. Yes; sure.

Q. Did you because you had some phony money?—A. Yes.

Q. What kind of money is that?—A. Some that we fetched from Coney Island; it is an advertisement and it looks like bills.

Q. You pulled out this phony money, did you?—A. Yes.

Q. And you showed it to these men, didn't you?—A. Yes.

Q. When you were betting on Tener?—A. Yes.

Q. And they saw that it was phony money, did they?—A. They didn't know at the time; no.

Q. When did they learn of it?—A. Not for a long time afterwards, when I told Rosser himself, but there was others there knew it. I showed it to him afterwards. I had maybe \$60 or \$70 of it in \$10 bills. They were yellow on one side and had a "\$10" marked on them and the advertisement on the other side, and I had one or two of my own money among them.

Q. And you were betting a little phony with Dave Rosser, who was a great Berry man, and that is all?—A. Yes; we were good friends and it was simply a joke between the two of us.

Q. Was there any other person there?—A. Yes; I don't know who the other gentleman was.

Q. Wasn't Dr. Shively there?—A. Not at that time; no.

Q. Was Mr. Jenkins there?—A. I don't know the gentleman who was with Rosser, but I don't think it was Mr. Jenkins.

Q. He saw this phony money, too, didn't he?—A. The man who was with Rosser? I don't know whether it was Jenkins or not. Was it you, Jenkins, that day?

Wait a moment. Now, was Jenkins there?—A. I don't know; there was a gentleman with Rosser.

Q. You know Jenkins, don't you?—A. I know him now.

Q. Is that the man?—A. I can't say whether he was the man or not.

Q. Do you know Dr. Shively?—A. Yes.

Q. Was he there?—A. Yes; he was there with hair oil on. He was making political speeches there all day.

Q. Mike Walsh, of whom you speak, has been a prominent politician in Edwardsville for a few years at least?—A. He was a councilman.

Q. He is a member of council, isn't he?—A. He was.

Q. He has for seven or eight years at least been very active in politics, at least over there?—A. He gets out and hustles the vote around; yes.

Q. You know that Walsh was a client of McLean's office?—A. I didn't.

Q. You never knew it?—A. No, sir; and I don't know it now and I didn't know it then.

Q. Don't you know that McLean represented him in a law suit six or seven years ago in the county courts?—A. He may have; yes.

Q. You know that, don't you?—A. I may have been told, but I couldn't swear to it.

Q. Simply from hearsay?—A. Yes. I had no business to know it.

Q. You knew that McLean has been getting Walsh's liquor license for some years?—A. No; not lately. I suppose the last time Jones got it.

Q. Did Jones get it?—A. I don't know that.

Q. Did you hear that the McLeans had been getting the license?—A. No; I don't know as I did.

Q. You never heard, then, who got the license of Walsh but one time and that was last year?—A. That was last year.

Q. What is your business?—A. Running a lunch room at the present time.

Q. And prior to that time?—A. Since the 1st of March. Prior to that I was street inspector for the Borough of Edwardsville.

Q. How long have you lived there?—A. Four or five years.

Q. Prior to being street inspector what was your business?—A. I worked in the Adder Machine Works.

Q. Do you mean to say that you didn't know that McLean had been getting the license and never heard of the McLeans being attorneys for Walsh?—A. I don't know as I ever knew it.

Q. Were you active in the primaries; did you take any part in the primaries?—A. Sure; at the election.

Q. Where?—A. In the second ward of Edwardsville.

Q. Had Walsh spoken to you before the primaries?—A. Yes.

Q. Did he ask you to work for McLean?—A. He spoke of McLean to me. It occurred in a conversation, and he said that he would like to see him get elected.

Q. Did he ask you to do what you could for him?—A. No.

Q. He never spoke to you about it?—A. Yes; we talked over it lots of times, but he never directly asked me to do anything.

Q. Did you volunteer to do something for him?—A. No.

Q. Didn't you undertake to get some poll men for him—watchers in that ward?—A. No; I had no reason to.

Q. You knew that Walsh was getting watchers for McLean at the primaries in Edwardsville borough, didn't you?—A. I understood he was.

Q. And you understood that this \$50 was the money given to Walsh to pay the men whom he was believed to have hired as watchers, didn't you?—A. No.

Q. Didn't Walsh tell you that he had to pay the watchers out of this?—A. No.

Q. Did he?—A. No; I don't know he did—not sure.

Q. You knew how much he was to get didn't you?—A. I don't know whether I did or not. He told me that he was interested in McLean's election and that is all I knew about it.

Q. Didn't you know the agreement was that Walsh was to get the watchers?—A. Only what he told me, that he was interested in McLean's election.

Q. Did he tell you that he was going to get the watchers in Edwardsville?—A. He said he was going to look after his interests, and I suppose that covered the whole thing.

Q. Did he tell you that he had paid out some money that he received from McLean?—A. No.

Q. Didn't you know that that \$50 that he got from McLean was to pay the watchers he was believed to have hired for McLean?—A. Well, I wasn't hired as a watcher, and I don't know why he gave it to me for.

Q. Didn't you know the night he got this \$50 that that was what this money was given to him for?—A. I didn't know it; no.

Q. Did he tell you what it was given to him for?—A. Walsh?

Q. Yes.—A. He told me that McLean gave him \$50 and it was to remember him in the next election.

Q. It was for that?—A. Yes.

Q. And that only?—A. That is all.

Q. And Walsh gave you \$10 in the presence of McLean?—A. No.

Q. McLean was there?—A. He didn't give me the \$10 in front of McLean.

Q. The \$50 was given by McLean to Walsh in your presence?—A. No.

Q. When was it given?—A. Just before I came into the saloon.

Q. Was McLean there when you came into the saloon?—A. Yes.

Q. What did McLean say about this money being to pay for the watchers who were employed at the primaries?—A. He didn't say a word.

Q. Don't you know as a matter of fact that McLean gave Walsh this \$50 to pay for the watchers he was supposed to have had assisting McLean at the primaries and that McLean has accounted for that \$50 in his return and expense account?—A. How would I know that?

Q. Didn't you know that?—A. No.

Q. Have you heard it?—A. No.

Q. As I understand your testimony, you say that Walsh said to McLean that they hadn't done much for him in the primaries; that is, Edwardsville hadn't done much for him in the primaries?—A. No; I said that.

Q. Did he say anything about Edwardsville in general?—A. No; he wasn't talking only a minute.

Q. And didn't say—didn't McLean say that was all right; they would do better in the fall election for him?—A. McLean?

Q. Yes.—A. Now, the words that he said was, "Remember us next fall." We were going to the council meeting, and we were there only a few minutes.

Q. And that was after you had made your poor apologies for such a poor showing?—A. I had no kind of apologies to make.

Q. You sympathized with him?—A. No; I had no reason to sympathize with him.

Q. What caused you to say that?—A. I wondered what the \$50 was coming for—what reason he had to tell me. It was none of my business if he gave him \$5,000.

Q. Why did you take the \$10?—A. I would take \$10 now if somebody handed it to me.

Q. Did he give you that in the street?—A. No; he didn't give it to me for a week afterwards. He handed it to me when I came in.

Q. You hadn't done anything for McLean?—A. No.

Q. And he didn't say what it was for?—A. No; just handed me the \$10 and said, "Here is \$10 out of that \$50 I got."

Q. He didn't owe it to you?—A. No.

- Q. Why did you take it?—A. Because he handed it to me.
 Q. Had he ever handed you money before?—A. How do you mean?
 Q. Had Walsh ever given you \$10 like that before?—A. No; I don't suppose he was handing money away.
 Q. What did you suppose that money was given to you for?—A. He told me, "Here is \$10 out of that \$50 I got."
 Q. Did he say what it was to be used for?—A. He didn't say; no.
 Q. Walsh didn't say?—A. No.

Mr. JENKINS. The same motion we made in respect to the testimony of the previous witness, Philip Straub, is now renewed with respect to the testimony of this witness, for the same reasons as therein stated.

MICHAEL F. McDONALD, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. You are a member of the bar of Luzerne County?—A. Yes.
 Q. And you live at Sugar Notch?—A. Yes.
 Q. And you have your main office in the city of Wilkes-Barre?—A. Yes, sir.
 Q. You come here daily?—A. Yes.
 Q. According to E. J. Moore's account, which he rendered to W. S. McLean, you received \$80 in the last campaign?—A. Yes.
 Q. That was to be used for the Democratic candidates, was it?—A. Democratic and Keystone.
 Q. And you so used it?—A. Yes, sir.
 Q. What did you do with it, generally?—A. I employed poll men with it.
 Q. Where?—A. In Sugar Notch I paid seven or eight or nine men—some were Democrats and some were Keystoners.

Q. The borough of Sugar Notch had three polling places?—A. Three polling places. To some I gave \$5 and to some I gave \$10 and some I gave a little more.

Mr. JENKINS. We make the same motion with respect to the testimony of this witness as we did to the testimony of the previous witness, for the same reasons as therein stated.

WILLIAM Houser. called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. You live in the borough of Parsons?—A. Yes.
 Q. Did you receive any money during the last election and campaign?—A. In the congressional?
 Q. Yes.—A. Why, John J. Kinney, on the afternoon of election—I guess the polls was about closed—and he gave \$10. That is, I worked at the polls that day through personal friendship for McLean. Me and McLean was raised together in Wilkes-Barre.

Q. What is your occupation?—A. I work for the traction company.
 Q. Did you lose a day?—A. I lost three days.
 Q. You worked on election day at your regular occupation, did you?—A. No.
 Q. Had you had a talk with McLean prior to the election?—A. No.
 Q. Had any one asked you to go to the polls—any person?—A. No.
 Q. How did you come to go there?—A. Well, I was a Tener man for one thing, and I happened to be idle. I was around the polls that day. I didn't lose the day just because I wanted to go to the polls. I lost a day before and a day after that, too.

Q. And you went to the polls early in the morning, did you?—A. I lived right at the polls. Right across the street.

Q. You were there working all day, were you not, as a watcher?—A. Some part of the day; yes, sir.

Q. Did anyone promise you any pay from McLean?—A. No.

Q. Kinney, you say, gave you \$10 in the afternoon?—A. Now, during the day Kinney was committeeman up there, and I guess on account of his business he couldn't get up there, but he knew I was a McLean man and he asked me if I would kind of look after things, and then in the evening or some time late in the afternoon he gave me the \$10.

Q. At what time did he ask you to look after McLean?—A. I presume it was in the morning or around noon.

Q. At the polls?—A. Right at the polls.

Q. Did you tell anybody that you had received \$25 for working for McLean?—
A. I believe I did. I did receive \$25, but not for McLean.

Q. Did you tell anybody that you had received \$25 for working for McLean?—A. I believe I did.

Q. Why did you tell that if it was not true?—A. No; I didn't tell them for McLean.

Q. From whom did you receive the other \$15?—A. I didn't receive no \$15 or no \$25 for McLean.

Q. How much money did you receive altogether for working at the polls?—A. I received \$10 from McLean.

Mr. CAMPBELL. Counsel has the right to ask you as to any money you received for McLean, but as to your receiving moneys for other persons, you don't have to answer that if you don't want to.

A. I understand that.

Mr. JONES. Will you tell me who paid you any other money for serving at the polls?—A. I got some money to work for Tener; I don't know where it came from.

Q. Who handed it to you?

Mr. CAMPBELL. If you don't want to tell you don't have to.

A. I don't suppose that party wanted me to tell.

Q. Was a brewer?—A. No; not a brewer.

Q. A hotel keeper?—A. No.

Q. A brewery agent?

Mr. CAMPBELL. You needn't answer if you don't want to.

A. I won't tell who it is.

Q. Will you tell me whether or not it was a brewery agent?—A. No; I won't; I got \$25 to work for Tener.

Q. Did you tell anybody that your brother Lewis Hauser and McMillan had received \$200 between them in there?—A. No.

Q. And did you tell that you had received \$25 for working at the polls for McLean?—A. I didn't tell anybody.

Q. Who did you tell that you had received \$25 for working?—A. I didn't tell nobody.

Q. Did you have a talk with Jonathan Davis last week?—A. Yes.

Q. Didn't you tell him that you had \$25 for McLean?—A. I told him; he wanted to hire me for Bowman, but I wouldn't take it.

Q. Did you tell him anything about the \$25?—A. Suppose I did.

Q. Did you say to him that you received \$25?—A. That I received \$25 for Tener.

Q. From Kinney?—A. No; for Tener.

Q. You didn't receive \$25 for Tener, did you?—A. I got \$25 for Tener.

Q. And \$10 for McLean?—A. I got \$10 for McLean.

Q. You got \$35 altogether?—A. I did.

Q. Do you refuse to tell whether it was a brewery collector or agent who gave you the \$25 for Tener?

Mr. CAMPBELL. He has answered that—that he refused to tell.

Q. Which district do you live in?—A. The south district.

Q. What other men were working at the polls for McLean in your district?—A. I don't think there was any for McLean. Not any McLean down there, outside of Kinney, and he was away most of the day. You see that is a strong Republican district where I am—all Bowman men.

Q. And it went—what was the vote there?—A. Bowman carried it, I think.

Q. You had better think again.—A. Well, it is the south district of Parsons borough; look it over.

Q. McLean carried your district by about 50 votes.—A. No; you are in the wrong district. It was very close in my district, I think, but I believe that Bowman carried it. There was not much difference. I think McLean carried—it was only a few votes. The south district I mean.

Q. McLean got 135 votes in your district and Bowman 74.—A. I don't know; I thought Bowman carried it.

Q. You were working for McLean at the polls and thought that Bowman carried that poll?—A. Yes.

Q. Did you tell Jonathan Davis that your brother, Lewis Houser, and Wilbur McMillan received \$200?—A. No; I didn't tell him that.

Q. Did you tell him that they received any money?—A. I told him—Jonathan Davis paid them \$5 and that was for Bowman, and they worked for Bowman, and they wanted to hire me and I couldn't see it that way.

Q. But you won't tell us who gave you the \$25 for Tener?—A. I don't suppose I am supposed to do that.

Q. You won't?—A. It is not in this contest.

Q. You won't tell us?—A. No.

Q. And you won't tell us on the advice of Mr. McLean's counsel?—A. On my own advice I said that.

Q. You decided that yourself, did you?—A. Certainly I did, because I don't think it is in this case.

Q. Is Thomas in your district?—A. No; I wouldn't live in the same district with him. No; he is in the northwest district.

Q. Do you know a man named Kerrigan in your district?—A. No.

Q. There is no such a man there?—A. Not in our district. There is a man in the northwest district of that name.

Q. Do you know a man named Miller in the northwest district?—A. Yes.

Q. You say that Kinney gave you \$10?—A. I think it was \$10; it is so long ago that I would not be positive.

MR. JENKINS. We make the same motion regarding this witness's testimony as already made with respect to the testimony of the witnesses, formerly sworn and for the same reason.

GEORGE THOMAS called on behalf of the contestee and duly sworn:

Examination by Mr. JONES:

Q. Did you receive any money from Mr. McLean for poll men in Parsons borough, from Mr. Kinney?—A. Yes.

Q. How much?—A. \$5.

Q. And you gave it to whom?—A. John Maloney.

Q. You received it from Kinney for McLean?—A. Yes, about election time, but Kinney didn't hire me.

Q. He spells his name "Kenney"?—A. Yes; but the man who hired me was not Kenney. It was a man from Pittston, named Buss, hired this man, and Kenney gave me the \$5.

Q. And you simply acted as an agent in transferring the money from Kenney to the Democratic poll man?—A. Buss was there—four of them came down in an automobile and came to my house and said, can you work at the polls on election day, and I said no, my man is on the board and I have to work that day and then they wanted to know if I could hire a good man for them for that day, and I said yes, there are lots of them here every day asking me if I could get them on at the polls, and I said I could get lots and I said. Joe Maloney is a good man, but he wants his price, and I don't think he will work for \$5, and they said, that is all right, you get the man, and after the polls closed Kenney said, you hired a poll man, and I said yes, and we walked to the polls and he gave me a \$5 bill and I gave Joe Maloney—I paid him that day at 1 o'clock out of my own pocket. It was about half past one, and he said, where is my money, you hired me, and I gave him the money and Kenney gave it to me about 9 o'clock that night.

Q. Did you receive any other money?—A. Certainly, Bowman and these people were chasing me for two weeks.

Q. How much money did you get to work for Bowman?—A. And Gomer Morgan came to me the week before and said, I will have \$20 for you, and I said you have no \$20 for me; and he said I have \$20 for you for Bowman, and I said you have no \$20 for me, because I am not going to do anything, and he said, you are a committeeman and can hire poll men, and I said, you can hire them then, and the same man wanted me to, and I said, go to George Thomas, and he said, I will give him the money and he will pay it out, and he sent Morgan up there to Herman Schultz and Lewis Hauser and Willbur McMillan and William Rhoades, and he said, if you are not hired it is his fault, for Morgan is leaving the money with you, and I said to them all right, if you want to work go to work and have Gomer give him the money or give it to me and I will give it to you, and they said all right, and that day at 3 or 4 o'clock as I came in from work he gave me the \$20 and I paid the poll men for him.

Q. You mean that you paid Bowman's pollmen?—A. Yes.

Q. But you never got anything for yourself?—A. No; but it was supposed to be for me. I said, here is \$20, and you can do what you like, because I don't want any of Bowman's money.

Q. Did you go to the polls?—A. Yes; at half-past 2, after I got through with my work, I worked at the polls until 7 o'clock.

Q. You voted for Bowman?—A. Yes.

Q. Did you work for him?—A. No; I went in the polls with eighty or ninety or a hundred different men, and most of the men who voted in my district was for McLean.

Q. You say that you probably went in with about 80 men?—A. Yes; maybe 80.

Q. How many out of the 80 asked you to mark for McLean?—A. I should judge 60 or 70 wanted McLean.

Q. Practically all out of the 80?—A. Yes; they all seemed to want McLean.

Q. How did you come to walk into the booth with them?—A. They asked permission of the judge, and they would call me in.

Q. Who sent you in?—A. They asked permission of the judge to let me in to mark their ticket, and I walked in with them, and I fixed them all, and the most was fixed for McLean, and I guarantee that these 60 were not paid anything, either, for their vote.

Q. You say there may have been 70 out of the 80 for McLean?—A. Yes.

Q. And you marked the ballots?—A. No; they marked their own ballots. If a man couldn't mark the ballot I showed him where to mark.

Q. You say that in your district there were at least 80 and possibly 90 who asked you to go in with them?—A. Yes; I wouldn't swear to that amount.

Q. And there are that many men in your district who can't mark their own ballots?—A. Yes; there are lots more than that. Around the coal mines you can get more than that that don't know anything about a ballot, and they have got to have to go before the judge and get some one to go in and help them fix their ballots, and they called me, and I went in and fixed it for them.

Cross-examination by Mr. CAMPBELL:

Q. Gomer Morgan lives in Parsons?—A. Yes.

Q. About how far from you?—A. About two blocks, on the same street.

Q. He is the chairman of the legislative district that Parsons is in?—A. Yes.

Q. The Republican chairman?—A. Yes.

Redirect-examination by Mr. JONES:

Q. Were you cross because you didn't have any money for yourself?—A. If I wanted I could have had lots of Bowman's money. There is no money going around that I couldn't get some out of it if I wanted it.

Q. You are a good worker?—A. Yes, and of all the crooked politicians, the Republican Party makes them crooked, because I have never seen any Democratic money.

Q. Have you seen lots of Republican money?—A. Yes.

Q. And you took it?—A. No, and you can ask Jonathan Davis. The crookedest deal that he ever cooked up was the one cooked up by Jonathan Davis in his room at the Sterling.

Q. Tell us about that?—A. You brought me down here to show me up. Jonathan Davis sent for me one day—

Q. When was this?—A. Three years ago, when Judge Fuller ran.

Q. That was in 1907?—A. Yes, when Fuller ran, and Jonathan Davis sent for me to go to the Sterling. Jonathan Davis is as crooked as any of them. I went down to the Sterling and there was two other men went with me and Jonathan Davis was there.

Q. Who were the two men with you?—A. I won't tell who they were, but if I am not telling the truth Jonathan Davis can put me on the stand.

Q. Won't you tell the two men who were with you?—A. I will if Davis says I am lying about him I will show the men. We went with me and we got in the hotel and Jonathan Davis says to me, how are you for working for the ticket, and I said, no, Jonathan, I am not for the ticket, and he said there is \$20 apiece for you, that is \$60, and I said you can't give me \$60, for I am not for the ticket, and he was the county chairman. He is a good county chairman they all claim, and he said, who are you against, and I said, I have no use for Fuller, he is a local option man, and if we have any contest, the local option will get the best of it, and I am not for him and this man in Plymouth, he is a man I don't know; his name is Hartman; he was running and McKenna; I was born in Pittston and I am for McKenna, and I don't want your money; and he said, yes, but I want to give you the money and all I want you to do is to say you are for the ticket and that will help Jim Norris out and these other people will have to pay the expenses, and I said, I would

be taking their money and doing all I could against them, and he said that don't make any difference; it is not Jim Norris' money, it is the Valley Company's; and I said that don't make any difference and these other two men went and took their money and went away laughing and then he blabbed in Welsh to me, and I said, it is no use; I won't take the money unless I do work and I am against these people, and he said, but we want Jim Norris, and he said you take the money, but I wouldn't do it.

Q. Now tell us the crooked thing pulled off at the Sterling?—A. Isn't that enough?

Q. Is that what you meant?—A. Why, yes. There was \$60 went out of there and Judge Fuller paid it. Jonathan Davis knew they were not going to get a vote for it.

Q. There was only \$40 went out, wasn't there?—A. No, \$60, three twenties and he sent it.

Q. And you were crooked enough to take it?—A. I said, if this is Norris's \$20 or the Valley's I will take it and he said, "you take it."

Q. And you took it?—A. Yes. I took the \$20 for Jim Norris and I said, remember this is for Jim Norris, but the other poor man had to pay it.

Q. Now is there anything else that you want to tell?—A. No.

Q. You are superintendent of the electric light at Parsons?—A. I used to be, but Wilkes-Barre has the whole thing now and I am now working for the Wilkes-Barre company.

Q. They have an electric light company at Parsons?—A. No, they have done away with it.

Mr. JENKINS. Contestant's counsel now make the same motion with respect to this witness's testimony as was made with respect to the others.

JOHN FRANKLIN, called on behalf of the contestee, and duly sworn by Commissioner Opp:

Examination by Mr. JONES.

Q. Did you receive any money for working for Mr. McLean at the last election?—A. No.

Q. Did you receive any money from anybody?—A. Not one candidate.

Q. Did you have \$25 for working at the polls?—A. No, sir; I never had 1 cent.

Q. John Moore didn't give you any money at all?—A. No, sir; not a cent.

Q. Did anybody else give you any money for any political business at all at the last election?—A. No, sir; not 1 penny did I receive.

Q. Is there any other man by the name of John Franklin over there?—A. No, sir; not on that side of the river.

Mr. CAMPBELL. Where do you live?—A. Edardsville.

Mr. JENKINS. Contestant's counsel make the same motion with reference to the testimony of this witness as previously made and for the same reasons.

GEORGE R. MCLEAN, contestant, recalled by contestee:

Examined by Mr. JONES.

Q. You have produced here two check books, one being a continuation of the other, and showing your personal transactions?—All transactions.

Q. Have you no check books in which you keep your business accounts as a lawyer?—A. No, none whatever.

Q. Are all your business accounts, which you have transacted by check, shown in this book or these books?—A. I think every transaction I have.

Q. There are comparatively few transactions in the book and you are a busy lawyer.—A. I have been a busier politician. I have not had much opportunity to devote myself to the law in the last year. Most of the transactions in our office have been carried on by my father and brother.

Q. You told me here the other day that you had the Keystone nomination for Congress and that after you had secured the same you withdrew?—A. Yes.

Q. I show you now a certificate, or rather a certified copy of a letter from the secretary of the commonwealth of a letter addressed to you, dated October 10, 1910, setting forth that your nomination papers would not be filed for the reason that there were not sufficient names on it [witness's own letter]. Did you receive such a letter?—A. I did. I will read this letter into the record, being examined on it.

(Witness reads letter handed him, as follows:)

OCTOBER 10, 1910.

GEORGE R. MCLEAN,

148 S. Franklin street, Wilkes-Barre, Pa.

DEAR SIR: The nomination paper naming you as the candidate of the Keystone party for the office of Representative in Congress for the eleventh congressional district can not be filed because that paper does not contain a sufficient number of signatures to make such nomination in the said district.

Very truly yours,

ROBERT McAFFEE,
Secretary of the Commonwealth.
Per G. D. T.

Q. Did you receive such a letter?—A. I received such a letter.

Q. Then you knew when you testified here the other day that you had never had the nomination of the Keystone party?—A. On the contrary I had the nomination on the ticket, and that letter refers to a second nomination paper filed by me, which contained 90 or 100 names, the first nomination paper having contained a number in excess of the legal requirements and the second one was sent by mail. Somebody brought it to me and in reply to the second nomination paper I got that letter from the secretary of the commonwealth.

Q. Then you filed two papers?—A. One personally and one by mail.

Q. And you say this letter has reference to the second nomination paper?—A. Yes.

Q. Were the two nomination papers to be considered jointly?—A. No.

Q. Was one in addition to the other?—A. No.

Q. Why was two sent down?—A. I sent in all on hand that were brought in.

Q. When did you send the first nomination paper?—A. I can't tell you exactly, I took it personally.

Q. How many names did you have on that?—A. My recollection now is that—I wouldn't give you the number, but I will give you this, that it was more than 2 per cent of the vote cast at the preceding election.

Q. Then how many was it, because I don't know how many votes were cast. Why did you send the second one?—A. Because there was one omitted and I took it that all nomination papers filed prior to the last day, for the same name—for the same party column was to be used for the one nomination.

Q. Do you know that the papers on file at the office of the secretary of the commonwealth's office at Harrisburg will show a sufficient number of names to entitle you to the nomination in the Keystone column?—A. I say that and believe it.

Q. You say that these papers were actually filed, and that these papers were not a notification to you that they could not be filed for the reason of not having a sufficient number of signatures on?—A. I say that the letter was received by me subsequently to my sending by mail the second set of nomination papers which contained I know a great deal less than the requisite number and was only a supplemental paper to the first paper filed by me in person.

Q. When did you send your withdrawal to Harrisburg?—A. I don't know, I couldn't give you the date.

Q. About how long after you got this letter?—A. I wouldn't relate it at all to the letter, as it had nothing at all to do with the letter.

Q. Did you send your withdrawal before or after you received this?—A. I can't tell you that. I believe I have told you that I sent my letter of withdrawal after Mr. Smith, who was chairman of the local Keystone committee, and Mr. Trembath, and Mr. Joyce, and Jenkins, and several others of the Keystone committee here had assured me that they would not substitute the name of Mr. Bowman or anyone else on the Keystone ticket if I should withdraw.

Q. Didn't you say the other day that you had withheld your withdrawal until you were sure that they could not do it?—A. No; they could substitute at any time after that, but they couldn't nominate. I filed my nomination papers and held them there until the time had gone by in which nominations could be made. Substitution could be made at any time up until, I think, 10 days before the election.

Q. If there was no nomination, how could there be any substitution?—A. There was a nomination, and I was the nominee, and if I had withdrawn without this guarantee of the Keystone committee they could have substituted anyone they saw fit for the Keystone nomination.

Q. You say now that you had the nomination on the Keystone ticket?—A. I do.

Q. And that the papers at Harrisburg will show that they were filed?—A. I undoubtedly do, and I will say here that as a lawyer and as a Democrat that I would not take the word of Robert McAfee, the Republican secretary of the Commonwealth, that my nomination papers were not according to law.

Q. But you did receive that letter?—A. I received that letter.

Q. What answer did you make to Mr. McAfee?—A. None whatever.

Q. Why not?—A. Because it required none.

Q. Why, here is a positive statement to you that your nomination papers could not be filed. Didn't that require some action on your part?—A. None whatever.

Q. You wanted the nomination?—A. I didn't want the nomination.

Q. You wanted your papers filed, otherwise you would not have taken the trip to Harrisburg?—A. My papers were filed regularly with the requisite number of names.

Q. You wanted your name to appear in the column?—A. It couldn't appear in the column until ratification was made by the secretary of the Commonwealth 10 days before the election.

Q. And you paid no attention to that official letter?—A. None whatever.

Q. Why not?—A. The time was not ripe to pay any attention if I proposed to pay any attention.

Q. It was on the 10th of October?—A. Yes.

Q. And if your nomination papers were defective you could not remedy them after that time, could you?—A. After October 10?

Q. Yes.—A. I don't recollect the law.

Q. The law is that nomination papers for Congress must be filed 35 days before the election?—A. I believe that is right.

Q. And you knew that if his stand were correct as taken in this letter that you couldn't get the nomination?—A. If his stand was correct. If his letter had referred to my former nomination papers then I would have to go into court and establish my rights.

Q. What was there in this letter to indicate that it referred to the second nomination paper filed by you?—A. Because it came to me after my mailing to them the second nomination paper, which I believe did not contain a hundred names, but I am not quite sure. It doesn't refer to my nomination papers, but my nomination paper which I had sent them, one paper and that is all. I filed my papers and got a receipt from the secretary of the Commonwealth, long prior to that.

Q. With whom did you file your papers?—A. Thorne.

Q. George D. Thorne?—A. I don't recollect his initials, he has a position in the secretary of the Commonwealth's office.

Q. He is clerk to the board of pardons, isn't he?—A. I don't recollect that, he has charge of the nomination papers.

Q. Did he count over the names in your presence?—A. I don't know, but he gave me a receipt of the filing of the nomination papers for the Keystone nomination.

Q. Where is that receipt?—A. I couldn't tell you.

Q. What did you do with it?—A. I don't know.

Q. How long did you have it after receiving it?—A. I probably have it now.

Q. Will you search for it?—A. Certainly I will.

Q. And produce it to-morrow?—A. If I can find it, I certainly will.

Q. When were you taken sick?—A. October 31, I believe.

Q. You were taken sick in the city of Pittston?—A. Yes.

Q. And you called a doctor in the next morning the 1st of November?—A. No; I had one or two doctors with me. Of course I was not conscious from 6 o'clock in the evening of October 31 until they got me home, when my regular doctors came. I brought one doctor along that was there at the time I became ill; that was Dr. McGinty.

Q. From the time that you were taken sick until election, did you receive callers at your home?—A. Until election?

Q. Yes.—A. I think, beginning on Saturday prior to election until the day after election; that is my recollection, that I did receive—not callers generally.

Q. You received political callers, didn't you?—A. Yes; several men came there.

Q. And they called at your home, subsequent to your being taken sick and previous to the election; who were they?—A. I can't recall distinctly more than two.

Q. Who were they?—A. Francis J. McKenna, of Pittston, and John Kehoe, of Pittston.

Q. Kehoe is the Democratic boss of Pittston?—A. I don't know at all.

Q. You never heard that?—A. No; I never heard; he is a Democrat, possibly.

Q. You have heard of his position, generally, politically?—A. No.

Q. You never heard of that?—A. No.

Q. When was Kehoe at your home?—A. He came to my home with McKenna; I couldn't place the date exactly, but it seems to me it was the Saturday prior to election.

Q. You were sitting up at that time, were you not?—A. I don't think I was. I am not sure, I may have been around.

Q. You were able to dictate letters were you not?—A. Yes.

Q. And you did dictate letters?—A. I did dictate letters.

Q. Do you know Anthony Toole, in Wilkes-Barre Township?—A. Yes.

Q. He called at your home?—A. I don't recollect his calling there.

Q. Will you say that he didn't call there before election, at your home?—A. No; I won't say that he didn't, but I don't recollect his calling.

Q. On the morning before election the article about which so much complaint has been made appeared in the Wilkes-Barre Record. Did you see it?—A. I don't recollect that I saw it; I think my wife read it to me.

Q. Did you ask anyone to deny the truth of that article for you—to deny that article?—A. I don't recollect that I did.

Q. Did you make any inquiry to ascertain whether it was true or not?—A. No; I wasn't in any shape to make inquiries.

Q. While you were sick your brother Will was the active manager of your campaign, wasn't he?—A. Yes.

Q. He called on you daily?—A. He didn't call on me daily from the time I was taken sick until election day. Most of the time I wasn't able to see anyone.

Q. You live on Franklin Street?—A. Yes.

Q. And he lives below you?—A. Yes.

Q. Your home is on a direct line from your former home?—A. He has to pass my home to go to his office.

Q. And of course he called to see you every day, didn't he?—A. I suppose he was in two or three times a day to ask how I was.

Q. Did you discuss this article with him on the day before election?—A. I have no recollection of discussing it with him.

Q. Did you discuss it with your father?—A. No; not that I recollect.

Q. Did your brother Will tell you that your friend, George Buss, had come down from Pittston, your Pittston manager, and had told him that the article was liable to do you injury?—A. I couldn't tell you, only that he talked to me about certain things. I think he mentioned George Buss and a number of others who had told him—anong them was Mr. Jenkins and several others, and they told him that the article would ruin me.

Q. What did you do then when you heard that?—A. I don't recollect when he told me, whether it was that day or election day; I don't recollect at all when he told me that.

Q. Well, you knew, as a practical politician, that the article would be liable to injure you in the minds of the temperance people, didn't you?—A. I had no doubt of it.

Q. But you made no effort to ascertain its truth?—A. I don't recollect that I did.

Q. And you asked for no denial of it?—A. No; I will say here that I didn't ask for any denial of it.

Q. Why, I wish you would tell us.—A. In the first place, the day that article appeared it was read to me, I suppose about 11 o'clock in the morning. I believe that was the first I knew of the article. Mrs. McLean read it to me, and she said that at the saloon-keepers meeting on Sunday the paper said that I had been indorsed, and that will be very liable to have a bad effect on the people who are prohibitionists and the church people generally. I agreed with her and said it would be very bad, and she said is it true, and I said I have no method of knowing whether it is true or not. Bowman is president of the Anti-Saloon League, and it may be that these things have been worked in, but I believe that the other side put that article in; and she said, aren't you going to deny this article, and I said no, I don't think I can deny it as I don't know the facts, and in the second place I tried to have a letter published, a letter that was perfectly decent and in no wise referring to Bowman, and they refused to publish it; and I don't think it will do any good, whether it is true or false.

Q. How about the Times-Leader here, why didn't you try them?—A. They had taken the position that I was backed by the liquor men. Smith had been at my house previous to that and I had told him that as far as I was aware there was no liquor men in my favor. None of them were interested in my favor except that it might be one here and there, but as far as I could learn the activities of the liquor and brewery men had been for Bowman, and I called his attention to the article of Hughes at Pittston and St. John, who as a liquor man had been visiting the saloons and speakeasies and spending Bowman's money. These things I can prove, of course.

Q. You had 40 days to prove it, why didn't you do it?—A. Bowman proved it by the receipts of the bills of St. John. I don't have to prove what is proven by the contestee's books. And Smith told me that he could not be convinced other than what he had heard, and that he had heard to the contrary, and I said, all right, if you don't desire to take up the cudgel for me in this matter I will have to submit, and of course that closed the door for any further communication on that line with Smith.

Q. Did it close the door for a paid denial of that if you had paid for it?—A. No.

Q. On the night before the election you paid for an article in the Times-Leader?—A. I certainly did.

Q. And it was headed, "C. C. Bowman, friend of liquor interests?"—A. I believe it was; yes, if you have the article there I will identify it in a moment.

Q. I will produce it to-morrow. You have a general recollection of what it contained?—A. I have.

Q. It was intended to impress upon the Prohibitionists and church people of this county that Bowman, too, wanted the indorsement of the liquor people.—A. That, and to show up his hypocrisy.

Q. And to counteract what appeared in the morning's edition of the Wilkes-Barre Record.—A. Yes.

Q. In other words you made not a single effort to ascertain the truth of the article in the Record, but took a chance, and then put this article in the Times-Leader, intending to counteract that article with the church people?—A. I paid for that article.

Q. Answer yes or no, did you?—A. I paid for that article to counteract the effect of the Record article in the morning.

Q. You took a chance on the truth of that article?—A. I had no method of ascertaining the truth.

Q. If you went to the trouble of printing an article in the Times-Leader in the evening of the morning that this article appeared in the Record, why didn't you go to the trouble of ascertaining the truth of the article that appeared in the Record?—A. I explained to you why I didn't deny it.

Q. I didn't ask you that. Why didn't you make some effort to ascertain its truth?—A. I explained that.

Q. Explain it again? You can read it from the record. It is lengthy.

Q. You have said nothing as to why you didn't ascertain whether it was true or not. Will you tell me now why you didn't make some effort?—A. I told you it would not affect me to know whether it was true or false. I couldn't have the Record deny it and the Times-Leader representative, Mr. Smith, told me that he believed that the liquor people were for me, and so I had nothing to do.

Q. When did you and Smith have this talk?—A. I believe on Saturday.

Q. At what time?—A. I couldn't tell you.

Q. Prior to the election?—A. Yes.

Q. And you say that you knew that Smith's paper took that stand, that you were backed by the liquor people?—A. Smith told me.

Q. Can you produce a single news item in any edition of the Times-Leader, prior to the evening on which Smith had his interview with you, on Nov. 5, in which they said that the liquor interests were even friendly to you?—A. I don't know that I can, I told you what conversation I had with Smith.

Q. You and Smith were college chums?—A. Yes.

Q. And Mr. Kirkendall, the other owner was also in Smith's class at college and a chum of yours?—A. Yes.

Q. And at the time that you were county controller, Smith was county treasurer?—A. Yes.

Q. And you were both elected on the Democratic ticket?—A. Yes.

Q. They were not hostile to you personally?—A. No.

Q. And they were friendly toward you too, politically, were they not?—A. I don't think so.

Q. Can you point to a single article in their paper which indicated their hostility toward you?—A. Smith was the moving spirit in the newspaper and it was through Smith's instrumentality principally that I was not indorsed by the Keystone party—the Keystone committee. Smith took the position that he didn't believe in the indorsement of either candidate for Congress.

Q. You didn't care about that did you? You didn't want that nomination?—A. I wanted their nomination; yes.

Q. Haven't you already said under oath in this case that you did not want their nomination?—A. No.

Q. Or their indorsement?—A. No.

Q. That you didn't even care? Didn't even care enough, in fact, to ascertain how they voted?—A. No.

Q. You haven't said that?—A. No. I said I didn't want their nomination unless I could get their indorsement with it.

Q. Coming back to their meeting, at which both you and Bowman appeared, when I examined you before as to your presence there, didn't you say you didn't even ask afterwards what they had done or how they voted?—A. I don't recollect that I said I didn't ask. I probably didn't ask.

Q. If you did say it it was not so, was it?—A. I presume the information was brought to me of what they had done.

Q. Then you did hear it, did you?—A. I believe I knew that they hadn't indorsed anybody. It was common talk that they didn't indorse anybody.

Q. On the Monday night prior to election, the eve of election, when you caused this article to be published in the Times-Leader you paid for the circulation and distribution of 1,000 copies of the Times-Leader, didn't you?—A. I couldn't tell you off hand. If they circulated 1,000 I paid for it.

Q. They didn't circulate them at their own expense, did they?—A. I don't recollect that I had any talk with the managers of the paper. I don't really recollect now anything about that article in the Times-Leader and the News except that I had Mrs. McLean call my stenographer there and I gave her the clippings from the Nanticoke News in which Mr. Bowman at different times advertised himself as a friend of the liquor interests and dictated to her his actions at the saloon-keepers meeting at Nanticoke; I told her the names of the men active in his behalf who were saloon-keepers and brewers, spending money for him, and said I wanted this put in this shape and taken right to the Times-Leader and News and advertised that night.

Q. And that is the article that has been just talked about?—A. That is the article.

Q. And it was also published by you and paid for by you in the Evening News, a Republican newspaper in this city?—A. It was; yes, sir.

Q. Why didn't you pay for a denial of the article in the Wilkes-Barre Record? You could have surely gotten it in their paper for paying for it, couldn't you?—A. I had no knowledge at that time whether they had indorsed me or not. Bowman, as I told you, was president of the Anti-Saloon League. They might have taken that action, and if they had indorsed me I should have been very grateful for their indorsement and support, as I would for the support of any class of citizens, but I thought that the article as it appeared, stating that the meeting was held on Sunday, etc., not knowing whether or not it was true, I knew it would hurt me with a certain class, though I knew that Bowman had been more active than I had been in trying to get the saloon and brewery interests, so I thought that if Bowman was playing the hypocrite, as he was playing it before—if he wasn't he would put it out to the people as freely as I would or could do it.

Q. Then you personally prepared this article which appeared in the two papers on the night before the election?—A. I personally directed everything that went in there.

Q. Now in your account you have a lump sum of \$500 for personal expenses, which includes traveling expenses, postage, automobile hire, etc. Was that merely an approximation?—A. It was approximated.

Q. Could it have been more?—A. It could not. As a matter of fact since lumping that I have gone over my account, and I find that in making up my account in the beginning for filing I took all the checks that I had drawn to myself personally during the entire time of the campaign, and allowed for anything that I might have had in my hands, other fees that had been paid in cash or in any way during that time and found that at outside, as near

as I could figure it out hastily, it would have been but about \$350 or \$360, or something like that. I then put in enough to cover any possible contingency and put it in at \$500. After the account had been filed and after I got back home and was well I went over my checks personally, and found that I had personally drawn \$290 through the campaign. I think that is the amount, and I had possibly received at the outside \$100 in cash during that time, and from that amount I had to deduct the amount I had paid out in travelling expenses during the summer in going up to visit my family in the mountains, where they had been from June until September, and paid for their amusements, their boats and various things for the children, and also a doctor bill I had there, and that had all been included in these checks I had drawn to my personal account.

Q. You visited, as far as you were able to, every place in the county, didn't you. Every town during the campaign?—A. As far as I was able, but I hadn't gotten over one-half the county when I was taken sick. I had my plans laid out to visit three districts that I had never gotten in at all.

Q. You were in Avoca?—A. Yes.

Q. How many saloons did you visit in Avoca with George Buss and Roscoe Conkling Keating?—A. Really I could not tell you.

Q. About how many?—A. I don't know where Avoca begins and Pittston Township ends, or where Duryea begins.

Q. That day you were out in the automobile how many saloons did you visit?—A. I presume we visited ten saloons, possibly more.

Q. You spent money in these saloons?—A. I spent money in practically every saloon we went into.

Q. You bought drinks?—A. If a man wanted a drink.

Q. And you spent the money in furtherance of your candidacy?—A. If I hadn't been in the position of a candidate I possibly would not have been in Pittston Township or Avoca or that part of the county at that time.

Q. And the money you spent in there and the other places you visited in the buying of drinks was spent in the furtherance of your candidacy?—A. Mr. Jones, if I should happen to go into a saloon and there would be people around there I knew, I would naturally say, "Will you have a drink with me?"

Q. Didn't you buy drinks in these saloons for men you didn't know?—A. Certainly, there was men I didn't know in there.

Q. And the money spent in that way was in furtherance of your campaign, that is what you were doing it for that day?—A. I was out campaigning.

Q. And this money was so spent in furtherance of your campaign?—A. I presume it was as a general proposition.

Q. Then why didn't you answer it. I have already asked you four times whether the money spent for drinks that day was not in furtherance of your candidacy. Was it?—A. You will find my answer back there.

Q. I will ask you again whether the money you spent on that day for intoxicating drinks for strange men used and spent in the furtherance of your campaign?—A. I answered that and my answer is on the record.

Q. Have I asked you that question before?—A. I believe you have.

Q. Do you refuse to answer it again?—A. I refer you to my answer.

Q. Every time that I have put my question I have put in whether it was in furtherance of your campaign, and I now ask you for a plain answer yes or no to the question. I will put it again and you can refuse to answer if you so desire. On this day, at Pittston and Avoca, and wherever else you were in that automobile, didn't you buy intoxicating drinks for strangers, and didn't you buy those drinks in furtherance of your political campaign, as a candidate for Congress?—A. I refer you to my answer.

Q. And you refuse to answer that question. Now I didn't ask you that question before; why do you duck?—A. You may interpret my answer as you please; my answer is there.

Q. Do you refuse to answer the question again?—A. I have answered the question.

Q. Do you refuse to answer the question again? You said the other day at the hearing that you had nothing to hide? Now, why don't you answer; why do you stand on a technicality?—A. I am not hiding anything.

Q. Then why don't you answer my question? You are a lawyer.—A. That is the reason I refer you to my answer; it covers your question.

(Previous questions and answers of counsel and witness read from the record.)

Q. The answer read to you by the stenographer is that you presume the money was so spent; that is a self-evident proposition. I now ask you as a lawyer and an intelligent man to give me an answer yes or no to that question.—A. If you insist on anything more explicit—

Q. There is nothing very explicit about yes or no.—A. I surely want to enlighten you on anything you want to know.

Q. I ask you again to give a plain affirmative or negative answer, and then to explain to your heart's desire. The money that you spent on that day, as you have described, for intoxicating drinks, which you bought for strange men in these various places was expended in furtherance of your campaign as a candidate for Congress, wasn't it?—A. The question does not admit of an answer yes or no. If you desire anything more explicit than you have, I will give it to you, but it can't be answered by yes or no.

Q. Answer yes or no and explain.—A. It can't be answered by yes or no.

Q. Was the money that you spent, that we have talked about, spent in furtherance of your political campaign?—A. That can not be answered by yes or no.

Q. Why can't it be?—A. For the reason that if there happened to be any man there whom I desired to see who was locally prominent politically, and he happened to have a saloon, I went to his saloon myself; I didn't send other people to see him; and when I went to his saloon to see him to gain his support and to go with him over the political conditions, if there happened to be men at his bar and he was there, I naturally asked these men to have something to drink or smoke, and that is the only reason and the only time that I spent money in saloons.

Q. Why did you spend that money in the saloons?—A. Because it is customary and a necessity.

Q. It was necessary in the furtherance of your political campaign, wasn't it?—A. It is necessary in doing business with a man in his place of business to spend money.

Q. Why do you run away from the question of the furtherance of your campaign?—A. I don't run away at all.

Q. Why don't you answer that?—A. I can't answer better than I have.

Q. Did you spend that money for intoxicating drinks for strangers because it was the custom or because it was in furtherance of your campaign?—A. I don't know that I spent money for strangers for intoxicating drinks; there may have been strangers who took soft drinks or cigars.

Q. In the saloons that you visited you met many men that you didn't know, didn't you?—A. I don't say I did or didn't.

Q. And if they took drinks on you, paid for by your money, it was because you were a political candidate?—A. The reason of my being there was politics. I would not have been in Avoca—

Q. And the reason you bought your drinks was politics?—A. No.

Q. What was the reason?—A. Because it was customary and necessary.

Q. To do what?—A. To do business with a man—a saloon—to spend something across his bar.

Q. Your business was political?—A. I went there on politics.

Q. Then the reason you spent this money was a political reason?—A. Not primarily. I went to the hotels, and because of my presence there doing business with this saloon keeper, I had to spend money.

Q. You were there doing your political business?—A. Yes.

Q. And the money was spent because of your political visit?—A. Secondarily; yes, sir. Because of politics. If I met that saloon keeper somewhere else, or had he come to Wilkes-Barre to my office, I would not have spent that money for drinks.

Q. Why do you hedge?—A. I don't hedge at all.

Q. Then why do you say primarily and secondarily?—A. Because these are facts.

Q. Didn't you buy intoxicating drinks for strangers during your campaign—in furtherance of your political campaign?—A. I have answered that already.

Q. You can't answer it any better?—A. No.

Q. Now, it comes around again to why you spent that money. Do you refuse to answer why you spent that money?—A. I have answered that.

Q. Will you answer that question?—A. No.

Q. I will ask the stenographer again to read from the record where you have answered whether you have and why you have spent that money for drink. I am going to ask you again. Did you spend money in your political campaign and

canvass for intoxicating drinks for strangers and for men whom you didn't know in furtherance of your political ends?

Mr. CAMPBELL. The witness has repeatedly answered that question, and I advise him not to answer any further questions. He has answered it and says that he is unable to answer it yes or no.

Q. Now, will you answer the question?—A. I have answered.

Q. Will you answer the question?—A. I have answered. I will stay here all day, but you will get no other answer than the answer which has been given.

Q. Will you answer the question I have just put to you? Will you say yes or no to that?—A. I have answered the question.

Q. Will you answer the question?—A. No.

Q. Why won't you answer it?—A. Because I have explained in an intelligent way with reference to your question.

Q. I ask you again and ask you to give me a direct answer in the affirmative or negative: Did you, during your political canvass for the office in question, spend money in hotels and restaurants for intoxicating drinks in the furtherance of your political campaign?—A. I have answered that question.

Q. And you refuse to answer the question?—A. In any other words than I have already answered it.

Q. And you won't answer it affirmatively or negatively?—A. It don't admit of an affirmative or negative answer.

Q. Why don't it?—A. Because the circumstances surrounding it prevent it.

Q. State the circumstances which do not admit of a direct affirmative or negative answer to that question.—A. I have explained in my previous answers.

Q. How many saloons were you in Wilkes-Barre?—A. None to my knowledge.

Q. How many in Edwardsville?—A. None to my knowledge. Yes; I was. No; not during the campaign.

Q. How many in Plymouth?—A. None to my knowledge.

Q. Then was this trip that has been detailed here by you and Buss the only trip on which you spent money for intoxicating drinks during your campaign?—

A. Well, I couldn't answer that.

Q. To the best of your recollection was it?—A. As I have already stated if there were men prominent politically in the saloon business, I went to see them.

Q. Please don't make any more speeches. Tell me directly, yes or no, whether that was the only time you spent money for intoxicating drinks?—A. I don't think it was; no.

Q. What other days were there?—A. I can't tell you.

Q. What other places?—A. I couldn't tell you that either.

Q. Did you visit any saloons in the Borough of Nanticoke?—A. I visited Tom Warren's.

Q. Did you buy intoxicating drinks there?—A. I believe I bought there; yes.

Q. How many men did you buy drinks for there?—A. There was very few. I recollect it was at the time of the meeting that Bowman had with the saloon keepers at Nanticoke, and in going in I think, as far as I can recollect now, at the outside three men, and I think I recollect who they were.

Q. Did you buy intoxicating drinks for them?—A. I don't recollect what I did. I undoubtedly set them up.

Q. And did you do that in furtherance of your political interests?—A. As I have already explained it was for the same reason and for the same purpose.

Q. Political purpose?—A. Politics called me there.

Q. Your politics called you there?—A. Yes; my politics.

Q. And it was on your own politics that you expended this money that you detailed?—A. If I had to go into a saloon on politics; it was customary for every man doing business with a saloon keeper to spend money over his bar.

Q. And you did it on this occasion?—A. I probably did the same in Tom Warren's.

Q. And you say it was because of the custom. Why?—A. It is customary, as I suppose you know.

Q. And it is necessary really, isn't it?—A. I think a saloon keeper expects a man who comes into his place on any mission, whether selling goods, talking business, or in any line, I think the saloon keeper expects him to buy.

Q. Then you knew when you went into these places that you would be expected to spend money?—A. Undoubtedly.

Q. And you expected to spend money?—A. I did spend money.

Q. Did you receive any contributions during the campaign from any sources?—
A. No; not one cent.

Q. Did your father give you any money?—A. Not one penny. On the contrary, I refused contributions.

Q. From whom?—A. My father wanted to contribute, for one; but I don't know that it is necessary for me to tell you, but I refused contributions.

Q. Why do you name your father and nobody else?—A. Because you asked whether father contributed.

Q. And I ask you the names of others, and you say there were others, from whom you refused to accept contributions. Who were they?—A. I have not received any contributions whatever.

Q. And you refused contributions from people other than your father?—
A. I did.

Q. Who were they?—A. That has nothing to do with this matter.

Q. Then you refuse to answer?—A. Undoubtedly.

Q. When did you decide upon this contest?—A. Well, as much as my mind was able to contemplate things logically, I presume from very shortly after I heard what happened in the election.

Q. Can you approximate any time with reference to the election?—A. No; I don't think I can.

Q. Was it a week or two weeks after the election?—A. I couldn't tell you.

Q. It was, of course, before the—did you discuss the matter with your father or brother?—A. I don't think I did at the time.

Q. Before you went away?—A. No, I don't think so.

Q. You had made up your mind to contest before you went away, hadn't you?—A. No, I don't think I could say so.

Q. When did you decide to contest?—A. I couldn't tell you that.

Q. You know it was not before you went away?—A. I don't know.

Q. You already stated just now that it was not before you went away?—A. No.

Q. Did anything happen on your trip which led you to start this contest?—
A. No.

Q. Where was it that you made up your mind to contest?—A. I couldn't tell you at all.

Q. Well, when you were on this trip did you have your contest in mind?—
A. I thought possibly a great many times on my trip about what I considered was harsh treatment in the election.

Q. Of course you proved the harsh treatment accorded you, did you not?—
A. No, I can't begin to prove it.

Q. You have proved all that you were able to?—A. In the time; yes.

Q. You had hearings only 20 days out of the 40. You lost nothing by lack of time, did you?—A. Yes, some things crept up at the end.

Q. They were things that developed during the hearing that you refer to now?—A. Some of them; yes, sir.

Q. When did you start to gather your data for this contest?—A. After I returned from the South, about the first or second of the year.

Q. Let me see, now; do you say under your oath that you discussed this contest or the possibility of a contest with no one before you left, the second day of December?—A. No.

Q. You were able to walk when you left?—A. Yes; I could limp and drag myself.

Q. You prepared your expense account personally, didn't you, in your own handwriting?—A. Yes.

Q. And it was written with your usual penmanship?—A. I don't know.

Q. You write a very fine hand, don't you? A small hand?—A. I can write a small hand.

Q. And you did in this case, didn't you, in filing your account?—A. I can't really tell you.

Q. We will have the account here to refresh your recollection.—A. If you say it was in a fine, small hand it was in a fine, small hand.

Q. When did you leave your home for this Southern trip?—A. To the best of my knowledge it was about December 3.

Q. Did you know then how long you were going to be away?—A. No; not definitely; I tried to make my plans to come back for Christmas, but the doctors told me I couldn't.

Q. As a lawyer, with a contest on mind, you naturally examined the law or had some one examine it for you as to the time you had to begin your contest

in, didn't you?—A. No; I never spoke to a man or saw a lawyer regarding my contest.

Q. Did you know anything about the time when you had to begin your contest when you left your home for the Southern trip?—A. I didn't know anything about contests particularly.

Q. I am not talking about that. Did you generally?—A. I was not in a condition to do much of anything during that period.

Q. You were in a condition to ride out on election morning?—A. Yes.

Q. And you were in a condition to attend to some election matters at your home and to pay some election accounts there?—A. I tried to be conversant with the money expended; and that in making up my final account I wanted to be sure that I did what was right, and I did more than I should have done, and as a result I had a relapse.

Q. Did you get your relapse in making out your expense account?—A. I got it from the effort of looking after things and making up my account.

Q. How long was that relapse?—A. I was going away on the 28th of November, about the last day, the 28th or 29th, I don't know which it was, and the day before I was to go away I worked on this expense account. I had my check book brought in and I took out of that everything I thought was for politics, and I got to feeling very poorly and we had to call a doctor, and then we fixed on the date of the first of December instead of the last of November, and when that date came I was not able to go then, and I had to remain in Wilkes-Barre until I think it was December 3d.

Q. Did you contemplate this contest before you left for Florida?—A. I don't think I had.

Q. Now, to the best of your recollection, when was the starting of this contest, when it first occurred to you?—A. I couldn't, of course, resist thinking about this thing after the election.

Q. When did you start to think about it?—A. I presume as soon as the election was over.

Q. Did you contemplate a contest as soon as the election was over?—A. I would say that it was causing thought then.

Q. When did that thought first occur to you?—A. As I recollect it must have been two or three days after the election.

Q. You say you contemplated starting a contest two or three days after the election?—A. No; you asked me when I first thought about this thing.

Q. What was the result of your first thoughts?—A. I couldn't make up my mind; I was in no condition to make up my mind about anything.

Q. When did you make up your mind to begin this contest?—A. When I got back here from Florida and felt able to sit down and think this thing out in a quiet way, then I made up my mind to bring this contest.

Q. You had quite a time down in Florida, didn't you?—A. Yes; but as far as possible I didn't think of things that were worrisome.

Q. You stayed one day in Philadelphia, didn't you?—A. I stayed awhile at my aunt's house.

Q. You stayed there for a day or two?—A. Yes.

Q. And then you took another journey to Florida?—A. Yes.

Q. Did you go South on the one trip from there?—A. Yes; I went in a drawing-room.

Q. Where did you go to then?—A. Daytona, Fla.

Q. How long were you there?—A. I was there all the time until I returned.

Q. Did you stop off at Savannah, Ga.?—A. No.

Q. Are you sure about that?—A. I have told you what I did.

Q. Did you receive anything at Savannah, Ga.?—A. On my return I stopped there and received a package of medicine.

Q. I asked you that?—A. You asked where I stopped, but I said I went to Daytona, Fla.

Q. How long did you stay in Florida?—A. I couldn't tell you.

Q. Give me an idea of whether it was a week or ten days or two weeks?—A. I can tell you when I returned, and I can tell you where I was on my return trip and how long I was in each place.

Q. Where was the first place you stopped at after leaving Florida?—A. After leaving Daytona we were unable to get sleeping accommodations and we decided that I couldn't go through in the hope of getting them at some place—they told me we might get them at Charlestown, and we might get them at Savannah. Father and I decided not to take any chances, but we would stop off at one of these places. I had written my physician for medicine, I think twice, and I

believe, though, that he only recollects once, and he told me that he had sent the medicine to Savannah and that was my second letter, I believe. At Savannah and at Charlestown we found we could not get sleeping accomodations and we stopped at the place where he had sent the medicine, and I don't recollect whether it was—I think it was at Savannah.

Q. Do you recollect now whether you stopped all day at Savannah?—A. Yes; it was.

Q. How long did you stay there?—A. Over night; we got there about 12 o'clock at night.

Q. Where did you go from there?—A. The next morning we took the train, went to my aunt's in Virginia, and stayed there for two days.

Q. What town in Virginia?—A. Burkeville.

Q. Where did you go from there?—A. Home.

Q. Didn't you go to Washington?—A. No.

Q. You say now under your oath that you didn't stop off at Washington?—A. I have answered the question directly.

Q. And that while you were in Washington you didn't talk to anybody about this contest?—A. Mr. Jones, it is rather insulting, you know—

Q. You can take that as you want to. I am asking you a question and you have a right to answer it. If you refuse to, say so.—A. I don't refuse; I have answered it.

Q. Did you talk to any one in Washington about this contest?—A. No; I wasn't there.

Q. Were you in Washington last week?—A. Yes.

Q. What were you doing there then?—A. Absolutely none of your business.

Q. Did you see any Congressmen in Washington last week?—A. The same answer.

Q. Did you have a letter of introduction to Congressmen in Washington last week?—A. No.

Q. How long were you in Washington last week?—A. The same reply.

Q. The same reply, none of my business?—A. Yes. But not in the ungentlemanly sense.

Q. You said that before.—A. Yes; but not with the inflection you put on it. I mean that is none of your concern, perfectly gentlemanly.

Q. I don't know how you distinguish it: I don't know what you mean.—A. I don't want you to take it that I intended it in any ungentlemanly way.

Q. How do you mean?—A. I mean it is simply of no concern to anyone but myself.

Q. And you won't tell what you were doing last week or who you saw there?—A. Certainly not.

Q. Wasn't it with reference to this contest?

Mr. CAMPBELL. The witness is instructed not to answer.

Q. Now, will you answer?—A. No.

Q. That is preclusive. We will call you to-morrow morning again.

THOMAS KENNEDY called on behalf of contestee and duly sworn by Commissioner Opp.

Q. Where do you live?—A. Edwardsville borough.

Q. Your business is what?—A. Assistant chief of police.

Q. Do you know Mr. Schott, of the Bartels Brewing Co.?—A. Yes, sir.

Q. He is the manager of Bartels Brewing Co.?—A. Yes.

Q. State whether or not he sent for you shortly prior to the last election.—A. Yes.

Q. How long before?—A. About a week.

Q. Did you go to see him?—A. Yes, sir.

Q. Where?—A. To his office.

Q. State whether or not he offered you or promised you any money.—A. Yes; he did.

Q. What did he say to you?—A. He asked me to come in again.

Q. State whether or not you saw him again.—A. Yes; I seen him; he sent for me again.

Q. When?—A. The day of election, in the morning.

Q. What time in the morning?—A. About 9 or 10 o'clock; something like that.

Q. State whether or not he offered you any money at that time to be used for political purposes?—A. Yes.

Q. How much?—A. \$40.

Q. What did he want you to do with that money? For whom were you to use it?—A. Tener and McLean.

Q. For the Republican candidate for governor and the Democratic candidate for Congress?—A. Yes.

Q. What did you say to him?—A. Told him I couldn't do nothing for McLean.

Q. How was it paid to you?—A. In an envelope, in money.

Q. What was in the envelope?—A. \$40.

Q. In cash?—A. Yes.

Q. You know Michael Walsh?—A. Yes.

Q. McFadden has testified here this morning that Michael Walsh told him he gave you \$10 of McLean's money after the primaries for the general election out of the \$50 he had received, is that so?—A. Yes.

Q. When did Walsh give it to you?—A. Thursday or Friday after the primaries. I think it was on Thursday, but I would not be positive. Following the primaries.

Q. Have you done any work at the primaries for McLean?—A. No.

Cross-examination by Mr. CAMPBELL:

We will pass the cross-examination of you to-day and make this arrangement, that you are subpoenaed here, but we will not ask you until a certain date, when we will send you word to come for cross-examination.

Mr. JONES. The witness is here at this time for cross-examination. The contestant is present with his counsel and we instruct the witness that he need not come again to be subjected to cross-examination unless he wants to.

Mr. CAMPBELL. How often have you been arrested?

A. Two or three times.

Q. For what were you arrested?—A. Well, I was arrested on election business once, and I was arrested for assault and battery.

Q. Jonathan R. Davis gave you how much money?—A. \$80.

Q. What else were you arrested for besides elections and assault and battery?—A. I don't know of anything else.

Q. You assaulted whom?—A. Why. Felix Dougherty.

Q. You say you were not for McLean in the primaries?—A. No.

Q. What did Walsh give you that \$10 for?—A. I don't know; he told me he didn't support him in the fall, that is all.

Mr. JONES. Didn't support who?

A. McLean.

Mr. CAMPBELL. You asked him, didn't you?

A. Yes; I asked him.

Q. So I understand you, when Walsh gave you, on the Thursday or Friday after the primaries, the \$10, that was to work for McLean the following election, was it?—A. Yes; he told me not to forget him; but I did forget him, for I know him.

Q. That is the kind of a man you are.—A. I had to tell you. It is there as much as yours is when you perjured yourself on the stand. I guess my mind was not way off then, was it?

Q. You mean in the Bennett Building in the hearing at which I was a witness?—A. Yes.

Q. At the time I said I saw you going there?—A. Yes.

Q. At the office of Mr. Dando, who was appointed assistant district attorney under Mr. Salsburg, that is the time you say I perjured myself, isn't it?—A. Yes. John T. told me not to arrest you; I was going to arrest you for it.

Q. Mr. Schott, you say, gave you \$40 for McLean?—A. Well, I didn't say that; I said for Tener and McLean; he asked me when I had it and I told him I couldn't do anything for McLean, and then he said, "Well, if you can't do anything for McLean, don't do anything against him, but go out and do what you can for Tener."

Q. You told him you would be for Bowman, didn't you?—A. Yes; I had received \$80 from Jonathan Davis previous to that.

Q. And you were getting all you could get?—A. Yes.

Q. So as a matter of fact you didn't receive any money from Mr. Schott for McLean, did you?—A. No; only he asked me, and that is all.

Redirect examination by Mr. JONES:

Q. You spent this \$80—you spent that for pollmen, did you?—A. Yes.

Q. Campbell asked you if you were arrested for election frauds at one time. Were you?—A. Yes.

Q. Were you tried?—A. Yes.

- Q. Before a jury?—A. Yes.
 Q. Were you found guilty?—A. No.
 Q. What was the verdict of the jury?—A. Acquittal, the county to pay the costs.

Recross-examination by Mr. CAMPBELL:

- Q. Who was the district attorney who prosecuted you?—A. John McGahren and John Williams.
 Q. Where does Jonathan R. Davis live?—A. In Kingston.
 Q. How far is that from where you live?—A. About a half mile.
 Q. You are a Republican, are you not?—A. Yes.
 Q. How long have you been such?—A. Ever since I am able to vote.
 Q. You are the Republican committeeman in Edwardsville?—A. Yes.
 Q. All over the borough?—A. Yes.
 Q. Throughout the entire borough?—A. Yes; and I work in Wilkes-Barre sometimes when I can; act all over the county for them.
 Q. For the Republicans?—A. Yes; whenever they call on me.
 Q. You are in the continuous pay of the Republican Party?—A. Yes.
 Q. How much do you get a month?—A. Well, I haven't had any yet; they haven't started me on monthly pay yet.
 Q. It is only when they want an expert that they employ you; is that it?—A. Yes.
 Q. How long has Jonathan Davis lived in Kingston?—A. I don't know.
 Q. How long, to your knowledge?—A. I couldn't answer that; I never knew him to live any place else.
 Q. How many years have you known him?—A. I knew him when he ran for sheriff; that is the first time I ever met him, but I don't know how long ago that is.
 Q. That is about 10 years ago.—A. I met him then.
 Q. Of what race are you descended?—A. I don't know altogether.
 Q. You are what is called an Irishman, are you not?—A. Yes; an Irish-American, you know.
 Q. That is, your parents were Irish?—A. My father's forefathers was, but he is not; he is an American too.
 Q. In Edwardsville there is a large Republican community, isn't there?—A. No; not necessarily; it is not very large; it is not too large to turn it.
 Q. You have done that, too, have you? You have helped to do that?—A. No; I don't think it was ever turned, but it would not be hard.
 Q. I think you are right. If they deliver the goods to you, you will turn it?—A. No; I wouldn't say that.
 Q. Your modesty forbids your answering that question?—A. I don't know; you Democrats are pretty tight anyhow.
 Q. Edwardsville borough is made up principally of Welsh and Slavish?—A. Well, Polish, I think; Polish, Slavs, and Liths.
 Q. And Welsh?—A. And Welsh.
 Q. Kennedy, you are the man that employs the poll men in Edwardsville for the Republican Party?—A. Not all the poll men.
 Q. You said you were committeeman there?—A. I am.
 Q. In the ward?—A. Yes; in the ward.
 Q. What ward are you committeeman in?—A. The second.
 Q. In the first?—A. No.
 Q. Or the sixth?—A. No.
 Q. Did the Republican Party have committeemen in all these wards, these six wards?—A. I don't know; I suppose they did. I was their committeeman in the second.
 Q. Who appointed you?—A. Jonathan Davis.
 Q. When?—A. I don't know when; some time before the election.
 Q. Did you ever attend a meeting?—A. He sent me—
 Q. Did you ever attend a meeting?—A. No.
 Q. Don't you know that they have in every voting district in Edwardsville what they call district committeemen for the Republican Party?—A. I don't know that.
 Q. At what hour was this that Schott gave you that \$40?—A. Between 9 and 10 o'clock in the morning.
 Q. Where?—A. In his office.
 Q. Who were present?—A. Nobody but him and I.
 Q. Was it in his private office?—A. Yes.
 Q. Did he close the door?—A. Yes.

Q. What kind of an envelope was it in?—A. Benesch & Sons' advertising envelope.

Q. Was that sealed?—A. No.

Q. In what denomination were the bills that he gave you?—A. I think there was two tens and a five and the rest was cut up in ones and twos.

(Hearing adjourned until 10 a. m. Tuesday, April 4, 1911.)

TUESDAY, APRIL 4, 1911.

Hearing resumed at 10 a. m. in sheriff's salesroom, courthouse, Wilkes-Barre, pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., John H. Dando, Esq., and William L. Bowman, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John E. Jenkins, Esq., and A. C. Campbell, Esq., counsel for contestant; George R. McLean, contestant in person.

Contestee offers in evidence the following notice of hearing and list of witnesses:

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To GEORGE R. MCLEAN, contestant above named, or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, Esq., and JOHN E. JENKINS, Esq., his attorneys:

You are hereby notified that on Tuesday, April 4, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's salesroom), in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him, as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose names and places of residence are as follows:

Louis Rogewicz, Louis Tusinski, Alex Krulikowski, George L. Morgan, Newport Township, Pa.; John McCarty, Anthony Tworowski, Nanticoke, Pa.; Patrick Finn, Ernest G. Smith, George R. McLean, Wilkes-Barre, Pa.; John J. Moore, Plymouth, Pa.; Oliver Clauss, Wilkes-Barre, Pa.; Will F. McGuire, Plains, Pa.

C. C. BOWMAN, Contestee.

Service accepted April 1, 1911.

GEORGE R. MCLEAN, Contestant.

GEORGE L. MORGAN, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. Where do you live?—A. Glen Lyon.

Q. That is in Newport Township?—A. Yes.

Q. Did you receive any money at the last general election in this congressional district?—A. I did.

Q. How much?—A. \$15.

Q. From whom did you receive it?—A. Wm. McLean.

Q. Wm. McLean, the father or the brother?—A. The brother.

Q. Where did you receive it?—A. In the city of Wilkes-Barre.

Q. At what place?—A. At the office.

Q. How long before the election?—A. I don't know; probably three or four weeks.

Q. Was there anybody there when you received it?—A. There were some parties in there, but I don't know who they were.

Q. How did you come to go to the office?—A. I was in Wilkes-Barre and, of course, being a friend of George's, I went over there, but he was not home; he was out of town.

Q. Did you work at the polls on election day?—A. No; not as a worker; no.

Q. You were there during the afternoon, weren't you?—A. In the afternoon I was around the polls.

Q. And you solicited votes for McLean?—A. Yes.

Q. What did you do with the \$15 you received?—A. I got two men to work at the polls for him and the other \$5 I kept for expenses.

Q. What kind of expenses?—A. Well, you know what is generally expenses; you know how it is when a man travels around, a dollar or fifty cents goes in no time.

Q. You mean your personal expenses in going around and doing what you could for McLean?—A. Yes, in a general way.

Q. What is your occupation?—A. Fire boss.

Q. For what company?—A. Susquehanna Coal Co.

Q. Are you not assistant foreman?—A. Assistant foreman and fire boss, either one as it is termed. Fire boss they term me.

Q. Do you employ men?—A. No.

Q. You have the right to discharge men, haven't you?—A. I have the right to stop them for a time, but I must report it to the boss. That is, if they do anything out of the way.

Q. You say this money was given you by Wm. McLean, Jr.?—A. Yes.

(No cross examination.)

Mr. JENKINS. Contestant's counsel moves to strike this witness's testimony from the record for the same reasons heretofore assigned.

JOHN ROGEWICZ, called on behalf of the contestee and duly sworn by Commissioner Opp:

Q. Where do you live?—A. In Newport Township.

Q. What is your business?—A. Butcher.

Q. You had some money in the last campaign, hadn't you?—A. Yes.

Q. How much?—A. \$90.

Q. From whom did you receive it?—A. From Con Gallagher.

Q. Did you ever tell anyone you had received from Charley Shea that money?—A. No.

Q. Where did you receive that money?—A. In Nanticoke.

Q. What does Con Gallagher do?—A. He gave me the money.

Q. What does he work at?—A. Well, he gave me the money to work.

Q. What is his business?—A. I don't know what he does do; he works; he is some agent, I guess.

Q. He is a retail liquor agent; a whisky agent?—A. I don't know; I think so.

Q. How much of this money did you keep yourself?—A. I don't think I got a dollar left now.

Q. You kept \$90 for yourself, for your own use, didn't you?—A. Yes.

Q. Who did you give the rest of the money to?—A. I gave \$35 to myself and \$30 to Wallace Treshish, of Glen Lyon.

Q. Who did you give the other \$25 to?—A. Alex Krulikowski.

Q. Which district in Newport do you live in?—A. The first.

Q. Which does Treshish live in?—A. The first.

Q. Which district does Krulikowski live in?—A. The first.

Q. Did you work at the polls for McLean that day?—A. No.

Q. Were you at the polls at all that day?—A. No; I gave money to some people and they were at the polls, but it was my busy day.

Q. You gave it to men to work at the polls for McLean?—A. For the Democratic Party; yes.

Q. Who are the men you gave the money to besides those you have named?—

A. I gave Leo Briskoski \$10.

Q. What does he do?—A. He was up there to watch the people; he is a miner.

Q. Who is the next one?—A. David Mocaravich, \$5.

Q. What does he do?—A. He is a miner, too.

Q. Who is the next one?—A. Martin Zaloski.

Q. What does he do?—A. He is a miner; he got \$5.

Q. Where do these men live?—A. Live in the other district.

Q. Which district?—A. The second.

Q. The three of them?—A. Yes.

Q. Who is the next man you gave money to?—A. The rest of the money I spent it for beer.

Q. You spent it for beer?—A. Yes.

Q. Did you have a big party where you spent it for beer?—A. No; just to go around. I go into a place you know and spend a few dollars there, you know.

Q. You had \$15 left and spent that for beer?—A. Yes.

Q. You visited pretty near all the saloons in Glen Lyon?—A. Oh, no; very few.

Q. A good many of them?—A. Very few.

Q. And there you bought drinks for everybody in there?—A. I don't know; I couldn't remember.

Q. Well, everybody who wanted it?—A. Everybody wanted can have beer. If they don't want to drink they call for a cigar.

Q. And you said it was for the Democratic ticket?—A. Yes; I said to some of them to vote for it, yes.

Q. Where was Louis Treshish to use this money?—A. In the first district.

Q. And Krulkowski?—A. In the first district.

Q. They were both to use their money in the first district?—A. Yes; I used mine in the second district.

Q. There are five districts in Newport Township?—A. Yes; but I mean we got two districts down in Glen Lyon, you know.

Q. And this \$90 that Con Gallagher gave you was to be used in the two districts in Glen Lyon?—A. Yes.

Q. That is in two of the five districts?—A. No; they had counted them in the five districts in Hanover Township.

Q. And two of these districts are in Glen Lyon?—A. Yes.

Q. And it was in these two districts that you were to use this \$90?—A. Yes. (No cross-examination.)

(Contestant moves to strike out this witness's testimony for the reasons previously assigned.)

LOUIS TUSHINSKI, called on behalf of the contestee and duly sworn by Commissioner Opp.:

Examination by Mr. JONES:

Q. Where do you live?—A. Glen Lyon.

Q. What is your business?—A. Saloon.

Q. You keep a hotel?—A. Yes.

Q. You had some money in this last campaign, didn't you?—A. Yes.

Q. How much?—A. \$30.

Q. Who gave it to you?—A. John Rogewicz.

Q. That money was to be used for the Democratic ticket in the campaign of 1910?—A. Yes.

Q. How did you use it?—A. Hired workers.

Q. What workers did you hire?—A. John Matti.

Q. In what district?—A. That is in the second west district. He hired them in the first west district; he made a mistake.

Q. You mean Rogewicz made a mistake?—A. Yes; he said he hired men in the second west district, but he hired them in the first.

Q. And the men he named don't live in the second, they live in the first?—A. Yes; they live over there.

Q. Where did you hire them?—A. I hired them in the second.

Q. What does John Matti do?—A. Miner.

Q. How much did you give him?—A. \$5.

Q. Go on.—A. George Forgatch, I gave him \$5. He is a hotel keeper.

Q. Who else?—A. John Zurek, \$5; he is a miner. Frank Cominsky, \$5; he is a miner.

Q. Who is the next one?—A. Frank Rutkowski, or Askowski, I don't remember which one it was. He got \$5 and works in the mines.

Q. Who else?—A. I gave a dollar to Kaney Mahoney.

Q. What did he do?—A. In the mines he works—I don't know whether he is a miner or not.

Q. What did you give him \$1 for?—A. To help the Democratic ticket at election.

Q. When did you give him that \$1?—A. Before election.

Q. How long before?—A. I couldn't say.

Q. Why didn't you give him \$5?—A. I didn't have much left; I had spent the other.

Q. And he was willing to take one?—A. Yes.

Q. Was he kicking about the Democratic ticket?—A. No.

Q. Did you give him that dollar to vote the ticket?—A. Yes; I gave him that dollar, I didn't know whether he was going to vote or not.

Q. What did you say to him when you gave him the dollar?—A. I gave him the dollar and said here is a dollar for the election, that is all I said.

Q. Which ticket did you tell him you wanted him to vote for?—A. The Democratic ticket.

Q. What did he say?—A. He didn't say anything.

Q. Where did you meet him?—A. Out in the street, talking.

Q. Did he speak to you first or did you speak to him?—A. I spoke to him.

Q. You said, "Here is a dollar; vote for the Democratic ticket." You said that, did you?—A. Yes.

Q. And he didn't say anything, but he took the dollar?—A. That is all.

Q. Was he a Republican or a Democrat?—A. I don't know.

Q. You don't know?—A. No.

Q. Who else did you give a dollar to?—A. Nobody else that I remember.

Q. What did you do with the rest of this money?—A. I didn't have much.

I went in places and in a barroom and bought a cigar for some one.

Q. You spent that for beer, didn't you?—A. Not exactly for beer.

Q. What did you spend it for if not for beer?—A. Beer and cigars.

Q. And whisky?—A. Whisky, I suppose.

Q. Anything they wanted?—A. Yes.

Q. How much money of your own did you spend?—A. That is pretty hard to tell.

Q. About how much did you spend on behalf of the Democratic ticket; \$10, \$15, or \$20?—A. Nothing at all.

Q. Then why did you say it was hard to tell if you knew you didn't spend any at all?—A. I don't have to say I didn't spent anything.

Q. Talk so I can understand. You said you didn't know how much money you spent of your own?—A. I don't think I spent any.

Q. You don't?—A. No.

Q. Didn't you buy any beer for the boys?—A. No.

Q. Are you sure about that?—A. Sure.

Q. Who did put up the beer in Glen Lyon for the boys?—A. I don't know.

Q. Did you hear anybody put it up?—A. No; there was no beer; I didn't hear of it.

Q. Everybody that came into your place you asked them to have a drink on the Democratic ticket?—A. No.

Q. How did you spend the \$4, then?—A. In other barrooms.

Q. In these other barrooms you asked the boys to have a drink on the Democratic ticket?—A. Yes; they could have a large drink for the \$4.

Q. You stayed with the boys until your \$4 was gone?—A. Not exactly; no.

Q. Well, the boys stayed with you until your \$4 was gone?—A. Some of them. (No cross-examination.)

Contestant moves to strike out the testimony of this witness for the same reasons as before alleged.)

JOHN ROGEWICZ recalled by contestee.

Mr. JONES. Do you want to correct your testimony that you employed the watchers in the second district?

A. Yes.

Q. You mean that you employed them in the first district?—A. Yes; because I always call our side the first district, but it is the second district.

ALEX KRULIKOWSKI called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You live in Glen Lyon, in Newport Township?—A. Yes.

Q. Are you the man that Rogewicz gave \$25 to for election last year?—A. Yes.

Q. How did you spend that?—A. Hired men to work at the poll.

Q. Give us their names?—A. Andrew Zawitski.

Q. How much did you pay him?—A. \$5.

Q. He is a miner?—A. Yes; Andrew is a miner.

Q. Which district did he work in?—A. The second.

Q. Who is the next one?—A. That is all; I spent the other among the boys.

Q. Buying beer?—A. No, cigars and—

Q. Didn't you buy any beer?—A. Yes; when the boys—

Q. Of course if you spent it among the boys they took what they wanted?—

A. Yes; some took whisky and some beer and some cigars.

Q. Where did you spend that \$20?—A. Around the town.

Q. In the saloons?—A. Some in the saloons; yes.

Q. Of course there was some of the boys you gave 50 cents or \$1 to?—A. No; I didn't do that.

Q. You didn't give \$1 to anybody?—A. No; to nobody.

Q. Then you spent \$20 for cigars and beer around the town?—A. Yes.

Q. To help the Democratic Party?—A. Yes.

Q. Of course you asked everybody to vote for McLean, too?—A. No; I never bothered with McLean; the Democratic ticket, that is all.

Q. Are you a Democrat?—A. I have been; I vote Democratic.

Q. Are you a Democrat or a Republican?—A. I was always voting the Republican in presidential years, and in the other years I split the ticket.

(No cross examination.

Conestant moves to strike out this testimony, for the reasons already stated.)

E. J. MOORE recalled by contestee.

Examination by Mr. JONES:

Q. At a former hearing you testified that an entry in your check book of B. W. Davis for \$40 was a mistake, and that the entry should have been the Hub Clothing Store for \$25; is that so?—A. I don't know; that was my testimony. My book, I think, shows this: That I had begun to write a check to B. W. Davis for \$40; that I had it on the stub for that.

Q. What was there on your mind that caused you to write that stub out for B. W. Davis?—A. I was in McLean's office. Wm. McLean, jr., was there, trying to get B. W. Davis on the phone and he couldn't get him, and asked me, if my recollection is right, to take the check to Davis, and I said yes; and I went over to my office and called Davis on the phone at his office and couldn't get him, and I sat down and put the check in an envelope.

Q. This check was yours, was it?—A. The check, I think, was Wm. McLean's. But I can't say. But it was a check of McLean's.

Q. So that on either George McLean's check book or Wm. McLean, jr.'s, check book there will be a check to Davis for \$40?—A. Yes; in other words, this money that Davis got from me was not any money that I received directly from that \$2,500. I was asked to take it over and give it to him.

Q. But you carried that deduction of \$40 on your book right along, didn't you?—A. Yes; and the way I got that there was this: It was right before election and I had a number of checks in my pocket. These are the four I didn't have the last time. When I came to fill out the stubs the day after election it occurred to me that I had given a check to Davis for \$40 and I wrote on the stub, "Davis, for pollmen, \$40," and after I did that it occurred to me that it was not my check, that it was McLean's. That appears on this [referring to check].

Q. Was Davis to hire pollmen with that money?—A. I understood so, because that is what I had marked.

Q. What did you say to Davis when you gave him the check?—A. I just inclosed the check.

Q. The history of that transaction, then, is this: McLean gave you a check for \$40 to give to Davis?—A. Yes.

Q. Who had been his brother's opponent at the primaries?—A. Yes.

Q. And that check you put in an envelope and placed on Davis' desk?—A. No; I mailed it.

Q. And did you learn incidentally later as to what he had done with it?—A. I don't think so; I may have dropped in, but I am not sure of it.

Q. But so far as your recollection serves you, Davis had no idea of what he was to do with this money?—A. So far as I understood, I understood that McLean talked with Davis; he didn't talk with me, and I didn't talk to him. I don't know anything about it, as I was merely asked to take the check to him. I was asked to produce here checks 2275, 2280, 2281, and 2284, and I have produced them. These two checks are in my expense account for \$10. One to Kilgallon—when he came there I didn't know the name of some one of the pollmen and I had written that name in there and I wrote out my check and signed it and he inserted the name of the pollman, and I charged Kilgallon with that \$10. I wanted to take this opportunity of calling his attention to my error at the other hearing in justice to him.

Q. You want to explain something that occurred in your testimony?—A. No; to put something in.

Q. But this doesn't belong on the record.—A. Let me state what it is.

(Witness makes a statement relative to the newspaper men's account of the previous hearing at which he testified.)

ERNEST G. SMITH called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. Mr. Smith, you have already testified that you wrote the article which I show you on page 1 of the Times-Leader of the edition of Monday evening, November 7, 1910?—A. Yes; I answered that without hesitancy.

Q. I direct your attention to this statement in that article which appeared the night before election as follows:

"In four districts of Hanover Township the frame up as now scheduled is Tener and his Republican associates on the State ticket, and a total reversal of the votes for two Democratic candidates."

On an examination of the returns from the four districts of Hanover Township we find, with the exception of Casey, who was a local candidate on the State ticket, that prophecy to have been absolutely true. Where did you get your facts that there was a frame up in those four districts?—A. It has been a long while ago. Those things come to a man in a newspaper office and are investigated and are kept in mind like a lawyer trying a case. I did know just where that information came from and what data I had at the time I wrote that article, but now I can't recollect it.

Q. Of course, you would not have written that article without some underlying facts in your possession?—A. No. I was chairman of the Keystone Party. I had reports coming in from different sources as to things that were happening, and I watched those, and this statement was the result of what I had learned from these sources.

Q. But what you had prophesied turned out absolutely true, didn't it?—A. I don't know that I followed it up. I forget everything when I get through with it.

Q. I now direct your attention to an article appearing in the same issue of that paper, the evening before election, which Mr. McLean said yesterday that he paid for. That is true, is it?—A. That is it; yes, sir, he paid for it.

Q. And on that evening you distributed at the request of Mr. McLean or his brother 1,000 copies of that paper which he paid for, didn't you?—A. I don't remember about that.

Q. The article which you say appears in that edition of November 7, which McLean paid for, is in two columns and is headed, "C. C. Bowman, friend of the liquor interests," isn't it?—A. Yes, sir.

Q. And the article which I now read into the record is as follows:

"C. C. BOWMAN, FRIEND OF THE LIQUOR INTEREST.

"Mr. Bowman, Republican candidate for Congress, to show his kindly feelings toward the liquor interest of Luzerne County has had the following advertisements in the issues of October 14, October 21, and October 28, 1910, of the Nanticoke News:

"The attempt made by some political tricksters to array the saloon men and all liquor interests against Mr. Bowman had proved futile. The question of local option will never be heard of in the House of Congress. Should such a measure be introduced, the reputable law-abiding liquor dealers can trust Mr. Bowman. We know that his neighbors in the business in Pittston will trust him. If you doubt this assertion we refer you to Brewer Dick Hughes, of Pittston."

"Mr. Bowman has also caused little readers like the following to be published in papers published where there are many saloons. The following is from the issue of the Nanticoke News of October 21, 1910:

"Never heard of ex-Mayor C. C. Bowman, of Pittston, being so antagonistic to the liquor interests until Mr. Bowman became the Republican standard bearer for Congress. A political canard, of course."

"Brewer Richard Hughes, of Pittston, had taken Mr. Bowman twice to Philadelphia to meet Senator Penrose and assured Senator Penrose of the great confidence reposed by him and his interests in Mr. Bowman.

"Wholesale Liquor Dealer Charles St. John, of West Pittston, and Hotel Keeper Philip Raub, of Dallas, have been busy for the past month or six weeks in visiting saloon keepers of the county of Luzerne, sometimes in company with

Mr. Bowman, to assure them of Mr. Bowman's friendly feelings toward their cause."

I direct your attention now to the Times-Leader of the publication of the evening of Tuesday, November 8, 1910, which was the election day, and ask whether or not you wrote the article on the first page?—A. I so testified before I think. Yes.

Q. The article I have now called your attention to is headed, in a two-column head: "Tener and McLean deal proves charges made at Allentown convention." Then follows the subhead: "C. C. Bowman being cut and slashed by gangsters in frantic effort to get votes for Penrose's rubber-stamp governor—Grim deserted by Democrats—Machine-controlled precincts running in the votes against Bowman—Count to-night will show startling revelations—Father Curran alert in the east end—Twin political ringsters are frightened."

That is the article isn't it the heading?—A. Yes.

Q. And in this article you use this language: "Reports from every section of the county indicated that the campaign was in as good shape as any organization without money and without patronage to back it could expect." That referred to the Keystone Party and ticket, didn't it?—A. Yes.

Q. And that was written on the afternoon of election day?—A. Yes, sir.

Q. A little further in the article you say this: "Reports clearly indicated that the count in crooked districts was framed for Tener and McLean, and this fact may cut into the Berry majority of the county to a great extent." Did you get that information in the same way as you got the other information, as chairman of the Keystone Party?—A. Yes.

Q. And you believed it to be true, of course, when you wrote it?—A. Yes.

Q. You made a determined stand, as chairman of your Keystone Party, and in so far as was possible in this county, to have a clean election, did you not?—A. We did.

Q. And you left no stone unturned to see that such was the case?—A. No.

Q. In your paper of Wednesday evening, November 9, the evening after election, you used this language: "It was the cleanest election that Luzerne County has seen in many years. Even Edwardsville returned an honest count. In Cork Lane, Keating and his minions knew that every move they made was watched. The vote in Keating's balliwick was small, and however much juggling there may be in the figures, there will be no adding of several hundreds to the return, for the actual vote is known." You based that upon facts within your knowledge, as you did the other writings?—A. Yes, sir.

Q. And the Keating whom you referred to in this case is the Edward Keating, of Pittston Township, isn't it?—A. Yes.

Q. Familiarly known as "Roscoe" Keating?—A. I don't know him by that name.

Q. Have you heard of him as "Squire" Keating?—A. Yes.

Q. He is known as the boss of the Cork Lane district?—A. Yes.

Q. In the same edition of your paper you use this language, referring to the election of the day before: "Anything for Tener was the cringing cry of the gang hucksters in Luzerne, as in other counties. They said to alleged Democrats, you can have your congressman if you tell your Democratic poll men to instruct for Tener. And so all over Luzerne County were found brewery interests hand in glove with local Penrose managers, each instructing for Tener and McLean. So plentiful was the supply of funds that at many polling places were a dozen hirelings of the gang, each working Tener and McLean." Did you in the same way base that upon facts in your knowledge?—A. Yes. These facts were picked up in an automobile trip around among these places.

Q. Which you have before testified to?—A. Yes.

Q. I now direct your attention to the publication of Thursday evening, November 10, 1910, two nights after the election, and ask you if you wrote the two columns on the front page?—A. Yes; I wrote that.

Q. In this article, referring to your Keystone watchers or poll men, you say:

"A whole lot of men—most of them young and full of fight—took their first dip into the game of politics this year.

"They lacked experience and they lacked even a dollar to pay watchers at the polls.

"And they saw in nearly every polling place of Luzerne County from 4 to 20 thugs, employed by the brewery interests of this county, surrounding the polling places and attempting to intimidate voters when they couldn't influence

them by argument to vote for Tener on one ticket and Democratic indorsees of the liquor interests on the other."

That writing, too, was based on an investigation made by you, was it?—
A. Yes.

Q. Following, the same article says: "It was a pitiful spectacle of the bargain and sale of two old parties to serve Penrose and his Mulvihill allies. And so these young men made up their minds to two things: First, that they would never again be led to slaughter by an old party which sold out its candidates like cattle; second that the brewery interests of Luzerne County are now seeking to openly control elections. And to fight the whisky element to a finish, even if they now control 1,400 saloon keepers in this county, together with all the loafers around their dives, is a task which ought to stir the good red blood of the fighter for decency." You also wrote that?—A. Yes.

Q. And it was based on an honest belief, growing out of what you had learned through your investigations of the facts?—A. Absolutely.

Q. I think I already directed your attention in another part of this hearing to the rest of this article or another part of this article, with reference to the automobile trip taken by you and some coworkers in the Keystone ranks on the afternoon of election day?—A. Yes.

Q. And your testimony now, if that article were referred to, would be the same as before?—A. Yes.

Q. In the edition of your paper of Thursday evening, November 10, you printed a circulation of 21,019 numbers, according to your headline. You also ran an advertisement, which you wrote, a double column ad. on the first page, didn't you, headed, "Information is wanted"?—A. I think I wrote that, yes; at least I passed it. However, that is not an ad. in the sense of being paid for.

Q. No; I understand this was an effort on the part of the Keystone Party to ascertain whether or not ballots were marked with a cross in the Keystone square and then for a candidate for Congress in another column and then thrown out?—A. Yes.

Q. I desire to have this read into the record; it is as follows:

"INFORMATION IS WANTED.

"It has been freely reported that ballots were thrown out in Tuesday's count because they were marked with an X in the Keystone square, and then candidates for Congress voted in the other column. Ballots thus marked are valid and should have been counted. It is not charged that there was a deliberate attempt to present fraudulent returns. The broader view is taken that the error was an honest one, and the judges and inspectors of election who threw out these ballots did so with a conviction that it was the proper thing to do. It was not the proper thing to do, however, and any person having knowledge that ballots thus marked were not counted by the election boards should convey such information to any of the county chairmen, Jonathan Davis, of the Republican Party; Ernest G. Smith, of the Keystone Party; or Edward Moore, of the Democratic Party.

"If these men are not conveniently reached then the information should be forwarded to any of the following-named attorneys looking after the interest of the candidates at the official count now being conducted: A. C. Campbell, John E. Jenkins, Joseph Mulhern, Rush Truscott, and William J. Trenbath.

"These men will see that the ballot boxes are brought into court and the ballots thus thrown out counted. There need be no fear of prosecutions of election boards who made this mistake honestly. It was an error that will not stand the test of law, and those who know of such practice will confer a great favor on honest government if they report the matter to any of the foregoing-named men."

A. I might add that that article was based on some questions asked us by election boards on the trip we had on election day. We discovered in some places that these people on the boards were in doubt as to what to do, and we advised that they call up the district attorney's office so as to be sure they were right, but as we visited only a comparatively few of the polling places we wanted to make sure that in others the proper count had been taken.

Q. In pursuance of that article, did you get any information that ballots thus marked had been thrown out?—A. Not as I remember.

Q. So far as you know, then, the ballots that were thus marked were pretty generally counted as they should have been under the law?—A. As far as I knew.

Q. On the first page of the same edition in a 2-column head occurs this:

"MANY DISTRICTS ARE TO BE CONTESTED—THE OFFICIAL COUNT STARTS."

"Attorney for George R. McLean intends to attack all returns that give the slightest evidence of fraud or irregularity. Four judges are sitting. Hazle Township district is held under advisement."

Then follows in a single column, in one or two parallel columns, the following:

"Official counting of the vote cast at Tuesday's election was interrupted somewhat to-day by the challenging of a number of returns throughout the county by Attorney A. C. Campbell, who appeared as counsel for George R. McLean, candidate on the Democratic ticket for Congressman. Attorney Campbell informed the court that it was his intention to attack every district in the county that gave the slightest evidence of fraud or irregularity."

Q. Do you know who wrote that article?—A. I don't.

Q. It appears on the first page of your paper of that edition.—A. Yes; I presume the court reporter wrote that.

Q. Caspar was your court reporter at that time, wasn't he?—A. Yes.

Q. In an article which appeared in your paper of Friday evening, November 11, there appears this news item, as follows, being one of the leading articles on the front page of your paper:

"That the usual perfunctory count of the official return is not being followed was demonstrated, etc.

"Close inspection of the returns as produced is being made by the counsel representing the various candidates, etc.

"Present in the interests of Mr. McLean are Attorneys Campbell, Shorts, McLean, and Jenkins, while Hon. C. C. Bowman is represented by Attorneys Jones and Dando."

Do you know who wrote that article?—A. No; I presume it was the court reporter.

Q. And it appears on the front page of your paper?—A. Yes.

Cross-examination by Mr. CAMPBELL:

Q. You are the general manager of the Times-Leader?—A. Yes.

Q. And you duties are arduous and consume every day nearly every moment of your time?—A. Yes.

Q. You were also chairman of the Keystone Party?—A. Yes.

Q. And you were deeply interested in it?—A. Yes.

Q. And you devoted a great amount of your time to the interest of that party?—A. A great deal more than I should, yes.

Q. For some months prior to the election you were actively at work on behalf of the Keystone Party?—A. Yes.

Q. In addition to managing a newspaper?—A. Yes.

Q. And immediately after the election you were physically exhausted, were you not?—A. In some measure, yes.

Q. Now, it was a very hot campaign?—A. Yes.

Q. There was a great deal of newspaper discussion in addition to the political meetings held by the Keystone Party?—A. Yes.

Q. There was a general revolution in the air among the voters in this county?—A. There seemed to be.

Q. And there were a great many false rumors circulated pro and con, were there not?—A. Perhaps.

Q. Don't you know it as a fact?—A. Yes; I can recollect some now.

Q. Now, do I understand you to say that there was no statement made in your paper that was not thoroughly investigated before it was printed? Or was it not upon hearsay that these statements were based from what you considered reliable sources?—A. The statements which I took for the basis of some articles mentioned were based on hearsay, and others came through my own investigation as nearly as I could arrive at it. Of course any matter relative to a crooked election district or anything of that sort is largely hearsay as we can all understand.

Q. Some of these articles that you have written were based upon the belief that the brewery interests of the county had espoused the cause of McLean?—A. Yes.

Q. And it swayed a great many Republican voters on behalf of McLean?—A. Yes.

Q. Now, Hanover Township is a strong Democratic township in this county, isn't it?—A. One of them; yes.

Q. Was there anything remarkable in McLean getting the Democratic vote in that township?—A. No; I would say not.

Q. It was, however, rather remarkable that Tener got such a large vote in that township, wasn't it?—A. Yes.

Q. And you had in mind the efforts that were being made by the liquor interests in behalf of Tener in inducing the Democratic vote for Tener, rather than the efforts that were being made on behalf of McLean, isn't that a fact?—A. In that township, perhaps so, yes, sir.

Q. Now the fight in here was for Tener and the Republican ticket by the "gang," as you call it?—A. Well, partly, and partly—

Q. And your particular fight, the fight of the Keystone Party, was principally directed against the "gang" and their interests, wasn't it?—A. Well, partly, and partly against the Democrats also; we hit every head that came up.

Q. But you were not fighting on the congressional question, were you?—A. No, we had no interest in that whatsoever.

Q. Now, Edwardsville is what we call infested with saloons, is it not?—A. That is my understanding.

Q. The Bartels Brewing Co. is over there?—A. Yes.

Q. Do you know what the vote was in Edwardsville for Bowman and McLean?—A. I didn't follow that; I followed only the Keystone.

Q. Do you know that the total vote there for Bowman was 407 and for McLean 149?—A. No; I haven't that in my memory.

Q. Well, that is a fact.—A. Probably noticed it.

Q. Freeland is a place where it is said that every other building is a saloon. Have you ever heard that said?—A. No.

Q. Did you ever hear that Gen. Palmer made a speech in Freeland in which he said, I came here under the belief that every building in the town was a saloon, but I find that was exaggerated, that only every other building is a saloon. Didn't you ever hear of that?—A. No, I never took any interest in Gen. Palmer's speeches.

Q. The Gen. Palmer to whom we refer is an ex-Congressman and a close friend of John Dando.—A. I was never interested in Palmer.

Q. You know, however, that Freeland has a great many saloons; that there are sixty or seventy saloons in a town of four or five thousand population?—A. No, that is the first I knew of that.

Q. And do you know that the vote in Freeland was 486 for Bowman and for McLean 269?—A. Perhaps I have; I haven't it in mind, however.

Q. Do you know that in Freeland there is a brewery there, the Freeland Brewery?—A. No; I don't know that.

Q. Nanticoke is a town in which there are a great many saloons?—A. Yes, sir.

Q. There are over a hundred. Did you know that the vote in Nanticoke was 643 for Bowman and McLean, 485?—A. Perhaps I did, but I haven't it in mind now.

Q. The city of Pittston has a great many saloons, too?—A. Yes.

Q. In that town there are the Glennon Brewing Co. and the Howell-King Brewery, and in West Pittston the Pennsylvania Central Brewery. There are these three breweries in Pittston?—A. Yes.

Q. The city of Pittston is normally and generally Democratic by an average majority of about 600?—A. Yes.

Q. Did you know that the vote in Pittston was for Bowman, 617 and for McLean, 605?—A. Probably I did, but I don't recollect it now.

Q. Can you tell us of any community in which there are numerous saloons or where the liquor interests are strong and in which the Republican vote is in the majority, that was induced to go for McLean by the brewery interests. Do you know of one?—A. I don't know about the returns. What I do know is based on what I heard and observed prior to the election. I can tell you of one district and that was—I don't recollect what one it was—the voting was at Joe Fuerth's, back of the Stegmaier Brewery, and how any man got inside the door of that voting precinct on the day of election, beset as he was by the workers for Tener and McLean, I have no idea. That I know as the result of watching that district, as I was interested there. I have the satisfaction of feeling that the people voted on their convictions who voted there, because when the vote was counted it was a Keystone district. I had no interest in the congressional candidates.

That is right across the street from the Stegmaier Brewery?—A. Right across the street, and back. It is very close to it.

Q. It is within a hundred and fifty feet of the Brewery?—A. Yes, I would say so.

Q. Do you know of any place where the agents intimidated the voters to vote for McLean?—A. I can't say for McLean particularly, no. I know of another district, I think the next one above the Market Street, I don't recollect the number of those, in which I participated to some extent in a little rough house with one of the fellows that I term a thug on the question of politics that day.

Q. Now in the city of Wilkes-Barre the fourth ward is a big Republican ward, isn't it? That is from North street, down to Market?—A. Yes.

Q. And in it the leading merchants and professional men of the town live?—A. Yes.

Q. And the seventh ward is a big Republican ward?—A. Yes.

Q. And that is a residential district in which many of the leading merchants and professional men of the town reside?—A. Yes.

Q. And the tenth ward is a very large and the largest Republican ward in the city?—A. It is a large one, I don't know—

Q. In that ward there was not a saloon?—A. I don't know about that.

Q. The twelfth ward is one of the great Republican wards, and is made up largely of business men and professional men and a great many mechanics; the twelfth ward runs from Academy to Wood Streets?—A. Yes.

Q. There is always a big Republican majority there?—A. Yes.

Q. And the fifteenth ward is—let me see, in the twelfth ward there is one saloon?—A. I don't know all of them.

Q. No; in the twelfth ward there are two saloons.—A. I don't know about that.

Q. One is on Wood Street, Rudenauer's, and one on Main Street, Gables, opposite Ash Street. They are the only two. In the fifteenth there was only one saloon, Cooney Jacobs. In the fifteenth ward there was only three saloons.—A. I don't know.

Q. Well, that is a fact?—A. Probably.

Q. I will tell you that. Did you know, Mr. Smith, that there was about 140 saloons in the city of Wilkes-Barre?—A. My recollection is something of that number.

Q. Do you know that the fourth, seventh, tenth, twelfth, and fifteenth wards went, respectively, for McLean?—A. I don't carry it in my mind. I can give you the Independent vote in most of these wards, but not the congressional vote.

Q. Do you know that the Stegmaier Brewing Co. was a client of W. S. McLean, sr.?—A. I had heard it.

Q. Did you have any knowledge of any other brewery in this county being for McLean except Stegmaiers?—A. No; no exact knowledge. I had hearsay evidence on that point, but no exact knowledge.

Redirect examination by Mr. JONES:

Q. These towns to which Mr. Campbell has directed your attention, Edwardsville, Freeland, and Nanticoke, are all Republican towns ordinarily, are they not?—A. Yes; that is my recollection.

Q. And the city of Pittston, where there is ordinarily a large Democratic majority, varying from three to five or six hundred, is Bowman's home town—a city in which he was formerly mayor?—A. I think so; yes, sir.

Q. And the fourth, seventh, and tenth wards which are referred to here are built along the river front where McLean has lived practically all his life?—A. Yes; in that neighborhood.

Q. This district where you say there was such a gang, an actual crowd of McLean and Tener workers was at Fuerth's hotel, on the right-hand side of Market Street, going up?—A. Yes.

Q. The first district of the sixth ward of this city?—A. I am not sure of the district, but that is the location.

Q. And in that district McLean carried it by 81 to 40, didn't he?—A. I don't know.

Recross-examination by Mr. CAMPBELL:

Q. You have been asked about Bowman being the ex-mayor of Pittston. Do you know the seventh ward of the city of Pittston—the seventh?—A. No; I can't outline it in my mind now.

Q. It is a ward made up principally of the leading merchants, business men, and professional men of the city of Pittston. Principally of the leading citizens of Pittston?—A. I don't know that.

Q. Do you know that the seventh ward of Pittston ordinarily goes for the Republican ticket?—A. No.

Q. Do you know that Bowman failed to carry his own ward? That it voted against him?—A. I think I saw that in print or heard of it somewhere, yes.

Mr. BOWMAN. Do you know that Buss, who handled McLean's money, lives in that ward?

A. I don't know anything about Pittston.

Mr. JONES. And that he spent it particularly and only in McLean's behalf?

A. No.

Mr. CAMPBELL. Did you ever hear that Buss, through the use of money, ever influenced any voters in the seventh ward to vote against Bowman?

A. I didn't.

Mr. BOWMAN. Do you know that Buss on one occasion defeated Bowman by one vote in that ward for the office of councilman?

A. No.

Mr. JONES. And that at that time he boasted of the use of money on his part, Buss did?

A. No; I don't know that; it must have been before my time.

WILLIAM KELLY called on behalf of the contestee and duly sworn by Commissioner Opp.:

Examination by Mr. JONES:

Q. What is your occupation?—A. Driver for the Bartels Brewing Co.

Q. Did you receive any money last summer on behalf of McLean?—A. Previous to the election I received \$10 from Walsh, he said it came from McLean.

Q. What were you to do with that?—A. I was to keep it.

Q. And you did?—A. I certainly did.

Q. What were you to do for it?—A. Work in the interest of McLean.

Q. At the election?—A. Yes.

Q. Do you remember coming to McLean's office with Philip Straub?—A. Yes.

Q. How did you come to go there?—A. Why, Assistant Chief of Police Kennedy came to my house and he told me that Phil Straub wanted to see me, so I went down there, I think, on a Tuesday morning and he and I went to McLean's office.

Q. What did Straub say when you got to his place?—A. He said McLean wanted to see me and I went over there and met Will McLean, jr., and we talked in regard to the election and I was under the impression that I was to hire the watchers in Edwardsville.

Q. In all the wards in Edwardsville?—A. Yes.

Q. What did McLean say to you?—A. He asked me about how much it would cost, and I told a rough estimate would be about \$225 and there was nothing doing.

Q. What else was said to you?—A. There was John Moore and Ed. Moore there that day, the first one.

Q. You say the 2d of November you went the first time?—A. I think it was.

Q. Then you were told to come back on the Friday before election?—A. Yes.

Q. And you and Straub came back?—A. He wasn't with me when we went back.

Q. What happened the second time?—A. I told him the price was reduced to \$100, that was for the first, third, and seventh, and he said that wouldn't do.

Q. How much did he say he would pay you?—A. He didn't set any price at all.

Q. What did McLean say he sent for you for?—A. As far as I understood him and Straub were talking over it and he wanted to place men in the borough of Edwardsville, and Straub suggested me so I went over and we couldn't come to any agreement.

Q. So you didn't meet Straub at McLean's office, as he testified to?—A. No.

Q. Straub took you over?—A. Yes; he took me over.

Q. Now, isn't this the truth, that you and Straub went over there and you said you could deliver the vote for \$225 in Edwardsville?—A. No, I couldn't say I could deliver the vote, but the second ward is practically Democratic.

Q. Did you want \$225 for the second ward?—A. No; for the whole borough.

Q. McLean was willing to pay \$75, wasn't he?—A. Yes, \$75.

Q. And the \$75 which he was willing to pay was for the vote of the second ward alone?—A. No, he didn't say that.

Q. What did he say he was willing to pay the \$75 for?—A. To place watchers.

Q. Isn't it a fact that when you discussed with question, the only question you discussed was getting the vote of the second ward?—A. No, we talked over the whole borough.

Q. And he said he was willing to pay \$75?—A. I am not positive whether he said that or not.

Q. You said a minute ago that he did?—A. I am not positive.

Q. Didn't you hear it all?—A. I am not positive whether he did or not.

Q. You said a minute ago that he was willing to pay \$75?—A. That is the rumor; I am not positive whether he set that price.

Q. Did you work for McLean at the polls?—A. Yes.

Q. Did you receive any money for it?—A. No.

Q. Except the \$10 that Walsh gave you?—A. That was all.

Q. That was your pay for working at the polls on election day?—A. Yes.

Q. But you got that in June?—A. I think it was in June.

Q. Where there any other employees of Bartels brewery at the polls there?—

A. No.

Q. Did Schott give you any money?—A. In politics? Not at all. I was in there one day about my own business, and he told me that Tener was a particular friend of his and he would like to see me vote for him or have me vote for him.

Cross-examination by Mr. CAMPBELL:

Q. The \$10 that Walsh gave you was given to you for yourself after the primaries in June?—A. Yes.

Q. Do you recollect looking at the election returns in the second ward of Edwardsville on the night of election?—A. Yes.

(Objected to as not cross-examination.)

Q. What was the vote for Congress as posted there?—A. As far as I recollect seeing the returns that night, it was 49 to 14 in favor of McLean.

OLIVER A. CLAUSS called on behalf of the contestee and duly sworn by Commissioner Opp.:

Examination by Mr. JONES:

Q. What is your business?—A. Collector for the Stegmaier Brewing Co.

Q. Over what territory in this congressional district do you travel.—A. Plains Township and Parsons borough, Luzerne borough and Swoyersville borough and part of the Pringle Township.

Q. You had a sum of money given to you by Mr. Weigand to use for political purposes at the last election?—A. You may call it that in a way; yes, sir.

Q. Let us call it for political purposes, then. How much was it?—A. Possibly, judging from the territory I cover, it must have been between \$100 and \$150.

Q. It may have been more than \$150?—A. No; I think not.

Q. How much money did you give Fred Shoemaker at Parsons?—A. Not a cent, outside of a treat that happened at the time.

Q. How much did you give Henry Houser?—A. Not a cent.

Q. You know him?—A. Yes.

Q. Did you talk politics to him?—A. Yes.

Q. He said he got \$25 and wouldn't tell whether he got it from a brewery agent or not. Wasn't you who paid it to him?—A. No; absolutely not.

Q. You were friendly to McLean in the campaign?—A. Yes; we have been friends for nine years.

Q. Did Mr. Weigand speak to you in regard to the collectors, as he did to the other collectors?—A. No; not in the way you mean it, but we were friendly.

Q. Tell us the way he spoke to you?—A. My interest was in antiprohibition fight.

Q. You knew that Bowman had been president of the Antisaloon League?—A. Yes.

Q. And you distributed circulars to that effect, didn't you?—A. No.

Q. Didn't you have some marked ballots?—A. No; I marked some of them. I had printed specimen ballots which I marked.

Q. And you marked them for McLean as well as for Tener?—A. I did.

Q. About how many did you distribute?—A. Possibly, in different districts that I collect in, possibly 60, I guess.

Q. About how many saloons do you visit regularly?—A. About 60 I think, 60 or 70.

Q. And of course you talked to people other than saloon keepers, did you?—A. Possibly I spoke to a few.

Q. What did Weigand say to you about McLean?—A. Nothing whatever.

Q. What did you mean a minute ago by saying he didn't speak to you specially about him?—A. Well, as to making any special efforts for him.

Q. He told you wherever you could help him to do it?—A. Certainly; I did that out of my own personal interest.

Q. Weigand told you?—A. No; I won't say that, even.

Q. Will you say that he didn't?—A. No; it is so vague that I can't say what he did wish, even.

Q. Wherever a dollar of this money you spent could help McLean you had it help him as a friend of his?—A. I never intended that it was for political purposes—these trips that I made; I make these trips every two weeks, and this money that I spent was not intended for political purposes.

Q. You were especially anxious on your last trip?—A. I go over these trips every two weeks on most of my trips, and I go around for business purposes only.

Q. But there was added to your business purposes during the last campaign, political interests, wasn't there?—A. Yes; business interests, not political interests.

Q. And you went out advocating the interests of certain candidates who furthered the business interests of your employers?—A. Yes.

Q. And wherever you talked politics and could help McLean, you did so?—A. Yes, through personal friendship; he is a Democrat.

Q. And wherever you spent any of this money, this \$100 or \$150, you spent it out to get a vote for McLean as well as for the other candidates?—A. Well, I had it go in a general business way.

Q. In a general business way, but with politics on the side?—A. Yes.

Q. And McLean was a part of the political aggregation you were supporting?—A. Yes, but purely out of friendship; there was no coercion or suggestion from the firm.

Cross-examination by Mr. CAMPBELL:

Q. The interest of the Stegmaier Brewing Co. was on the question of local option?—A. Yes.

Q. Which probably would come up in the legislature?—A. Yes.

Q. This present year? In the governor fight and in the legislative fights?—A. Yes, that was my main interest and my main purpose. I am working for my dollars, and that was my interest to work in that direction, and I did throughout.

Mr. JONES. What legislative candidate in Parsons or Plains were you interested in?—A. There was no opposition there.

Q. Or in the Luzerne or Swoyersville district?—A. Anderson.

Q. He had the nomination on both tickets?—A. I know, but that is the way we marked it. He had opposition on the Keystones.

Q. There was no serious opposition to either one?—A. No.

Q. And your main fight was Tener and McLean, wasn't it?—A. No, I won't admit or say it was a fight for McLean. It was a hard thing to make me believe I spent any political money; I thought it was only a matter of business.

ANTHONY TWAROWFSKI, called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. What is your business?—A. Collector for the Susquehanna Brewing Co. at Nanticoke.

Q. That is an adjunct of the Stegmaier Brewing Co.?—A. Not necessarily, no.

Q. Is it, as a fact?—A. No.

Q. Stegmaier is the president of it?—A. Yes.

Q. Were you interested in McLean's election?—A. No, not as a collector; personally, yes.

Q. Did you receive any ballots to distribute among your patrons?—A. No.

Q. Did you distribute any ballots?—A. No.

Q. Did you have any specimen ballots which you distributed and marked—handed to the saloon keepers in Nanticoke and Newport Township?—A. No; I don't think I had.

Q. Would you remember if you did?—A. I had a couple of specimen ballots, but I don't think I ever used them.

Q. What did you have them for?—A. For my own personal use.

Q. For what?—A. To use as to my judgment politically.

Q. Why did you have a couple of them?—A. If I met a friend some time I would show it to him, but I don't think I passed any to anybody.

Q. You showed them to others; to patrons?—A. Not exactly patrons.

Q. Well, among some of the people you showed these were patrons of your brewery?—A. I don't recollect that.

Q. How were these marked?—A. I didn't have any marked, to my recollection.

Q. Did you use any money in the campaign?—A. No.

Q. Did you talk politics in the saloons you visited?—A. To a certain extent. Not exactly politics; I don't know whether you call it politics or not.

Q. You talked it; what do you call it?—A. I took a personal interest in that fight for local option.

Q. You took a personal interest in it?—A. Yes.

Q. But wherever you could help McLean you did?—A. I judge so.

Q. And you spent money for drinks as you always do in visiting hotels?—A. Yes; that is my business.

Q. And when you spent money for drinks in those places you talked politics?—A. Possibly; I can't recollect.

Q. And you bought drinks, and at the time you were buying them you advocated the interest of the Democratic Party, didn't you?—A. No.

Q. You advocated the interest of the Republican candidate for governor?—A. Yes; I am a Republican as a rule.

Q. And the interest of McLean, the Democratic candidate for Congress, you advocated his interests, didn't you?—A. Yes.

Q. About how much money did you spend in the three or four weeks before election?—A. I don't know whether I spent any, but what I did was my own personal matter, and it didn't amount to a great deal. I never received any money from anybody.

Q. Don't the brewery allow you an expense account monthly?—A. Yes; but not for politics, for business.

Q. Didn't you use it for politics?—A. No.

Q. This money that you spent for drinks when advocating Tener and McLean—whose money was that?—A. That was saloon treating—business.

Q. And you spent some on the side?—A. If you say so. I am not a child. I have spent no money on politics; only on business.

Q. And at the time that you bought drinks for business you talked politics?—A. Possibly I did.

Q. And of course while spending money for drinks in these certain places where you talked politics you were spending money for political purposes?—A. Calling up the drinks in hotels?

Q. Yes.—A. No.

Q. And you say now that you didn't exhibit or show to any saloon keeper in Nanticoke borough or Newport Township a marked ballot?—A. I don't think I did; no. I don't collect in Nanticoke myself.

Q. What is your territory?—A. All over the county. All over the county outside of Nanticoke and Glen Lyon.

Q. And do you say now that at no place in this county did you exhibit a marked ballot for McLean and Tener to any liquor dealer?—A. Not to my recollection, I didn't.

Q. You carried those ballots in your pocket?—A. I had not over two or three ballots in my pocket; that is all I had.

Q. And you carried them for some time before election?—A. Possibly for a short time before.

Q. You used them?—A. I used them personally; I never handed them to anybody or marked any for anybody.

Q. You showed people how to mark?—A. No; I had them myself, because I had a personal feeling in this campaign for McLean.

Q. And you made use of them for McLean?—A. Not exactly. I said it was a personal feeling that I had for McLean, but I don't think that I ever marked a specimen ballot. Sometimes I may have showed them how it was to be laid out.

Q. And asked them to vote for McLean?—A. If he was a personal friend I might have asked him to do me a favor and vote for McLean; yes, sir.

Mr. CAMPBELL. You were in the Spanish-American War?

A. Yes. In McLean's company.

Mr. JONES. Were you with the regiment that got lost at Chickamauga?

A. No.

JOHN McCARTHY called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. What is your business?—A. Manager of the Susquehanna Brewing Co.

Q. Do you do business all over the county?—A. Yes.

Q. Do you travel?—A. Yes.

Q. Over what territory?—A. Mostly through Glen Lyon and Nanticoke.

Q. How many saloons are there in Nanticoke and Glen Lyon?—A. About a hundred and eighty-four.

Q. And you visit every month every one of these saloons?—A. Not all.

Q. Nearly all?—A. Nearly all.

Q. During the last campaign you took an active interest in Mr. McLean's election?—A. Yes.

Q. Did you have any marked ballots, specimen ballots which you exhibited to your patrons?—A. No.

Q. About how much money did you spend in your rounds on the last month before election?—A. Not any more than usual.

Q. How much would that amount to?—A. I couldn't say offhand.

Q. Two or three hundred?—A. No, not that much.

Q. If you visited a hundred and fifty saloons you surely spent \$300. Didn't you?—A. I might.

Q. Wherever you bought drinks, as is your custom when saloon keepers pay you bills, you talked politics of course?—A. In some places.

Q. In most places?—A. Not in most places.

Q. Well in some places?—A. Yes, in some places.

Q. And wherever you could help McLean in that way you did it?—A. Yes.

Q. And you did it out of personal friendship of course?—A. Yes.

Q. You know McLean well?—A. Yes.

Q. Is he a director in your company?—A. No.

Q. You are a Republican, are you not?—A. Well, for the last few years I have been more Republican than Democrat.

Q. And wherever you could say a good word for McLean to your patrons you did so?—A. Yes, anybody I knew well enough to talk to.

Q. You know all your patrons well enough?—A. Some you can't approach on politics.

Q. On account of the governorship and legislative fights, you were anxious to have your patrons do what they could to help elect the Republican ticket, were you not?—A. I was.

Q. And talked politics to them for that purpose?—A. To some.

Q. And the men you talked politics to you also talked to about McLean?—A. Yes.

(No cross-examination.

Adjourned to 10 a. m. Saturday, April 8, 1911.)

SATURDAY, APRIL 8, 1911.

Hearing resumed at 10 a. m. pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John T. Lenahan, Esq., John E. Jenkins, Esq., A. C. Campbell, Esq., counsel for contestant; George R. McLean, contestant in person.

Contestee offers in evidence the following notice of hearing and list of witnesses:

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To GEORGE R. MCLEAN, contestant, or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, Esq., and JOHN E. JENKINS, Esq., his attorneys.

You are hereby notified that on Saturday, April 8, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's salesroom), in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be

taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose names and places of residence are as follows:

John A. Kenney, Charles Collins, Wilkes-Barre, Pa.; **Charles Gardner**, Harry Adams, Jenkins Thomas, Richard McDonald, Morris Finn, Leo Stoneham, Thomas Llewellyn, Robert Wallace, John Mohr, Charles Sutton, Thomas Walker, Herbert Dolan, John Conlon, Parsons, Pa.; **William Conlon**, Joseph Dixon, Nathaniel Dixon, William Powell, Daniel Powell, Edgar Garthy, Plains, Pa.

C. C. BOWMAN, Contestee.

Service accepted April 6, 1911.

GEORGE R. MCLEAN, Contestant.

LEE STONEHAM called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. Where do you live?—A. Parsons.
- Q. What is your occupation?—A. Mine foreman.
- Q. Inside or outside?—A. Inside.
- Q. For what company?—A. The D. & H.
- Q. In which district do you live?—A. The north.
- Q. Where are your mines located?—A. At the east end of the borough.
- Q. What is the name of the mine?—A. Laurel Run.
- Q. How many men have you employed under you?—A. About 200.
- Q. You were at the polls on the last election day in the north district of Parsons borough, were you not?—A. I was for awhile.
- Q. What time did you come there?—A. About 2 o'clock.
- Q. How long did you remain there?—A. I was there off and on until 7 o'clock, when the polls closed.
- Q. You were working for McLean, were you not?—A. Not individually.
- Q. You were working for him with others?—A. Yes.
- Q. What is George R. McLean—this contestant?—A. Yes.
- Q. Did you mark any ballots?—A. No.
- Q. Who is your immediate superior?—A. The man just over me is Mr. Samuel R. Morgan.
- Q. He is the district superintendent?—A. Yes.
- Q. What are your politics?—A. Republican.

MR. LENAHAN. Objected to for the reason that it is immaterial and irrelevant under the pleadings in this case, and contestant requests that the testimony be expunged from the record.

WILLIAM CONLON called on behalf of contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. Where do you live?—A. Hudson.
- Q. What township is that in?—A. Plains.
- Q. What is your occupation?—A. Assistant outside superintendent for the D. & H.
- Q. How many men have you in your employ?—A. About 80 or 90.
- Q. Who is the man to whom you are assistant?—A. Ed. Gartley.
- Q. What colliery are your assistant at?—A. The Delaware.
- Q. Who is the general assistant superintendent for that territory?—A. William Harris.
- Q. You were working at the polls last election day in what district?—A. In the third district, Plains Township.
- Q. You were working there for McLean?—A. Yes.
- Q. How long were you at the polls?—A. All day.
- Q. What time did you go there in the morning?—A. About 20 minutes to 7.
- Q. How long was your father at the polls?—A. He didn't go there until late in the afternoon; it must have been between 4 and 5 o'clock, anyhow.
- Q. And he remained there until the polls closed, didn't he?—A. He wasn't there all the time.

Q. He was working for McLean with you?—A. Yes, he was a Democrat.

Q. Did you see him speaking to voters?—A. He was speaking to some men, yes.

Q. He was there working at the polls part of the day with you and you were working for McLean?—A. He was there at the poll about an hour and a half.

Q. He was working for McLean at the time?—A. I don't know, most likely, he was a Democrat.

Q. What is your father's occupation?—A. Mine foreman for the D. & H.

Q. What is his first name?—A. John.

Q. What colliery is he foreman at?—A. Pine Ridge.

Q. Do you know how many men he has in his employ?—A. There must be nearly a thousand there.

Q. That is one of the largest mines in the territory, isn't it?—A. Yes.

Q. Who was his inside assistant foreman?—A. Wm. D. Powell and Wm. Hilbert at Pine Ridge.

Mr. LENAHAN. Contestant objects to the testimony of this witness and asks that it be expunged from the records for the same reasons as stated in the objections to preceding witnesses.

Cross-examination by Mr. LENAHAN:

Q. How old are you?—A. Twenty-four.

Q. You were a Democrat and worked for the whole Democratic ticket?—A. Yes.

Q. And whatever work you did was for the whole Democratic ticket?—A. Yes.

Q. You have always been active in Democratic politics, have you not, in the township?—A. Yes, for the last couple of years.

MORRIS FINN called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. Where do you live?—A. Parsons.

Q. What is your occupation?—A. Fire boss for the D. & H.

Q. At what colliery?—A. Laurel Run.

Q. Who is your immediate superior?—A. Stoneham.

Q. You worked at the polls last election day, didn't you?—A. No, sir.

Q. What district do you vote in?—A. North.

Q. What time did you vote that day?—A. I don't know whether I voted when going home from work or after supper.

Q. What time did you go home from work?—A. About 12 o'clock I generally go home.

Q. Do you mean to say that you were not at the polls that afternoon?—A. I say that I went there once and voted, but I don't know whether it was at dinner time or after supper.

Q. How long were you there?—A. I may have stayed around for a few minutes.

Q. Didn't you stay longer than a few minutes?—A. I couldn't swear how long it was.

Q. Did you ask anybody to vote for McLean while there?—A. No.

Q. You say you didn't work for McLean and the Democratic ticket?—A. I said that.

Q. How long will you say you were at the polls?—A. I couldn't exactly tell you.

Q. How long were you at the polls about?—A. About 15 minutes.

Q. At which district did you vote?—A. The north district of Parsons.

Q. Did anybody ask you to vote for McLean?—A. No.

Mr. LENAHAN. The above testimony is objected to for the same reasons as given with reference to preceding witnesses, and it is requested that the testimony be expunged from the record.

JOSEPH DIXON called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You are a fire boss for the D. & H. Coal Co.?—A. Yes.

Q. And live in the village of Hudson, in Plains Township?—A. Yes.

- Q. And you have a brother who is also a mine boss?—A. Yes.
 Q. What is his name?—A. Nathaniel.
 Q. What place is he fire boss at?—A. Pine Ridge.
 Q. You worked at the polls on the afternoon and morning of election day?—
 A. No, I didn't do any work; I stood around there about an hour in the afternoon.

Q. You were working there for McLean and the Democratic ticket, didn't you?—A. No, I didn't work for anybody.

Q. What were you doing around the polls?—A. Standing around there, that is all.

- Q. What time did you quit work?—A. About half-past eleven.
 Q. What time did you go to the polls?—A. Some time after dinner.
 Q. Which district of Plains Township did you go to?—A. Third.
 Q. Is that where Conlon was working?—A. What Conlon.

Q. You said you voted in the third district of Plains Township?—A. Yes, but there are several Coulons in the third district.

Q. Is that where the Conlon who was just on the stand worked?—A. I didn't see him doing much work, but saw him standing around there.

Q. He wasn't working any more than you were?—A. Not that I know of.

Q. Did you pass out any cards to anybody?—A. No.

Q. Or ask anybody to vote?—A. No.

Q. You were supporting McLean, were you not?

Mr. LENAHAN. You need not tell that if you don't want to.

- A. No. What do you mean? Was I at the polls working for him?
 Q. No; were you a friend of his?—A. You asked me if I voted for him.
 Q. You don't have to tell who you voted for unless you want to?—A. I won't.
 Q. Did you ask anybody to vote for McLean before election day?—A. No.
 Q. Was your brother at the polls?—A. My brother Nathaniel?
 Q. Yes.—A. He don't live in that district. He lives in Miners Mills, in the second ward, there.

Q. What were you doing around the polls?—A. Just standing around; I had nothing else to do that afternoon.

Q. Why did you go there?—A. To vote.

Q. And stayed there an hour and didn't ask a soul to vote?—A. Right.

Q. What time did you get there?—A. Some time after dinner.

Q. Fix the time as near as you can?—A. It must have been half-past 1 or 2 o'clock.

Q. It may have been two hours you were there?—A. No.

Q. Sure about that?—A. Pretty sure.

Q. What time did you leave there?—A. Perhaps about 3 o'clock.

Q. Wasn't it after 3 o'clock?—A. No.

Q. Weren't you at the polls at which you voted, at 5 o'clock in the afternoon of election day?—A. No.

Q. And weren't you there at 6 o'clock?—A. No.

Mr. LENAHAN. This testimony is objected to and it is asked that it be expunged from the record, for the reasons heretofore stated in other objections.

JENKINS THOMAS called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. Where do you live?—A. In the south district, Parsons borough.
 Q. You are a fire boss for the D. & H. Coal Co.?—A. Yes.
 Q. You worked at the polls on election day last?—A. No.
 Q. What time did you go to the polls?—A. Some time between 4 and 5 o'clock.
 Q. How long did you stay there?—A. Just long enough to vote.
 Q. And then you went away immediately?—A. Yes.
 Q. Didn't you ask anybody on election day or before election day to vote for McLean?—A. No.

Q. Weren't you a supporter of McLean's?—A. No.

Q. Didn't you vote for McLean?

Mr. LENAHAN. You don't have to answer that.

Q. Do you refuse to answer that question? What are you afraid of?

Mr. LENAHAN. He is afraid of nothing at all, but we don't want you people to induce this man to violate the laws. He don't have to tell for whom he voted, and you know that as well as I do.

Q. Do you refuse to answer?—A. Yes.

MR. LENAHAN. We interpose the same objection to this testimony as previously given, and ask that it be expunged from the record.

JOHN MOHR called on behalf of the contestee and duly sworn on behalf of the contestee by Commissioner Opp:

Examination by Mr. JONES:

- Q. You are foreman for the D. & H. Coal Co. at Parsons?—A. Yes.
 Q. The general outside foreman?—A. Yes; at Pine Ridge.
 Q. That is their largest colliery, is it?—A. I don't know whether it is the largest or not.
 Q. Well, is it one of the largest?—A. Yes.
 Q. Were you at the polls on election day?—A. I was there long enough to vote.
 Q. What time did you go there?—A. Right after dinner: about half past 12.
 Q. How long did you remain there?—A. About 10 minutes.
 Q. Did you go to the polls in either district of Parsons at any other time?—A. No.
 Q. Did you send the men down that day to vote?—A. No.
 Q. Did you ask anybody to vote?—A. No.
 Q. What are your politics?—A. Republican.
 Q. Weren't you supporting McLean in that election?—A. No.
 Q. And you asked nobody to vote for McLean?—A. No.
 Q. And of course nobody saw you around the polls for two or three hours?—A. I am sure that I didn't stay there and I have witnesses to show where I was.
 MR. LENAHAN. We object to this witness for the same reasons and ask to have it expunged from the record.

THOMAS LLWELLYN called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

- Q. You are inside foreman at No. 5 colliery of the D. & H.?—A. Yes.
 Q. Were you working at the polls election day?—A. No.
 Q. Were you supporting McLean?—A. No; I am a Republican.
 Q. Did you vote that day?—A. Yes, in the south district.
 Q. And you were not sending anybody down from the mines to vote?—A. No, sir; never intimated to anybody.
 Q. I know you didn't, and I know that you didn't ask anybody to vote?—A. No.

MR. LENAHAN. We interpose the same objection and ask that this testimony be expunged from the records.

J. C. WEIGAND recalled by contestee:

Examination by Mr. JONES:

- Q. You have produced here a book, being called and actually being one of the account books of the Stegmaier Brewing Co., have you not?—A. Yes.
 Q. What is this book?—A. The cashbook.
 Q. I call your attention to the item on page 38, dated November 1, marked "Expense J. C. W. Campaign McL." and over that the letters "A. S. L." And the amount carried out opposite being \$750. Is that right?—A. That is right.
 Q. Was this entry all made at one time?—A. Yes.
 Q. Isn't the part of the entry, the letters "A. S. L." written in a different ink from the other? Look at it.—A. I can't say as to that. [Witness examines book.] It looks as though it was a different ink.
 Q. It is written heavier, isn't it?—A. It is a similar ink there and there [indicating].
 Q. And the word "Letter," followed by the initials "A. S. L." are written over the rest of the item?—A. Yes, but that is because of there not being sufficient room there I should think.
 Q. And you say the last letters are not written in any different ink from the rest of these items?—A. Not any different from this and those I indicated. We wouldn't need any reason for adding anything to the charge.
 Q. No, but it apparently has been written in a different ink?—A. No, I wouldn't say so.
 Q. In a heavier ink. That part of the entry?—A. It looks as though it was written heavier than that there, but there are other items there that look a little dark also.

Q. There is one entry on the page written in ink similar to that, isn't there? The words "Beer returned"?—A. There are several that appear to me to be similar.

Q. In other words the other items written in above the regular entries, like "Beer returned"—A. I think that is the same as this. I don't think there would be any reason for adding anything to it. I am fully satisfied myself.

Q. What does "McL." refer to there?—A. The proposition there, the only reason for having particularly identified that one charge was that it pertained to this one particular expense, namely, local option, and the expense was mostly occasioned by a letter issued by the Anti-Saloon League.

Q. What does the "McL." stand for on that entry?—A. McLean.

Q. Now the entry right on the line is, "Expense J. C. M. expense campaign McLean," and over that is written "Letter A. S. L"?—A. Yes.

Q. What does "A. S. L." stand for?—A. Anti-Saloon League.

Q. Why was the entry put on there "Campaign McLean"?—A. Campaign of McLean and Anti-Saloon League.

Q. Why was McLean's name used on that entry at all?—A. Nothing more than to identify the bulk of the expense with the letter of the Anti-Saloon League.

Q. The man you were particularly interested in was Tener?—A. That is true.

Q. Why didn't you make that entry "Tener"?—A. I can't answer that; it might just as well have been Tener as any other name.

Cross-examination by Mr. CAMPBELL:

Q. On page 33 of your cashbook the entry "Expense J. C. W. Campaign, McL. Letter A. S. L." appears, and on the same page there are other entries made in the same way, such as "Beer returned," "Repairs," "Returned," are there not?—A. Yes.

Q. And apparently these entries which I have referred to and which are written above the line, are in the same handwriting as the entry "Letter A. S. L"?—A. It so appears to me; yes.

Q. And the letter which you refer to, thus referred to in the entry is the letter which bears date October 31, 1910, and in which is set forth the following: "For Congress, C. C. Bowman should be supported. His opponent, George R. McLean, is an attorney for the Stegmaier Brewing Co. and as such would be more or less controlled by the liquor interests. On the other hand, Mr. Bowman is opposed to the liquor interests and has been active in all moral and Christian movements. Consequently he will be more favorable to temperance measures in Congress than his opponent." Signed, "Pennsylvania Anti-Saloon League." That is a fact, isn't it?—A. Yes.

Q. Now, you or the Stegmaier Brewing Co. have vital interests in the beer and liquor business?—A. That is true.

Q. And your purpose in circulating this letter was to show the animus of the Pennsylvania Anti-Saloon League?—A. Yes.

Q. It was to show that they were advocating the defeat of any person, no matter what his views might be on the question of local option or otherwise, simply because he was an attorney for a brewery? Isn't that a fact?—A. Yes, that is a fact.

Q. And your purpose was to show the narrowness of the people who were advocating local option and how intolerant they were of any person who might have even business dealings with the brewery interests?—A. That was our purpose; yes.

Q. Did McLean know anything about this? George McLean?—A. About what?

Q. About the use of this letter?—A. No.

Q. And he knew nothing about the expending of any money for the circulation of this letter?—A. He didn't.

Redirect examination by Mr. JONES:

Q. Was it the fact that this letter contained a reference to George R. McLean which moved you to spend this \$750?—A. Not simply the reference to George McLean, but the general attitude. The letter also advocates the election of Berry, as you know.

Q. And to the legislature of Watts?—A. Yes.

(Hearing adjourned until Friday, April 14, 1911, at 10 a. m.)

FRIDAY, APRIL 14, 1911.

Hearing resumed at 10 a. m., pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., John H. Lando, Esq., Wm. L. Bowman, Esq., counsel for contestee; Arthur L. Turner, contestant's commissioner; John T. Lenahan, Esq., John E. Jenkins, Esq., A. C. Campbell, Esq., counsel for contestant; George R. McLean, contestant, in person.

Contestee offers in evidence the following notice of hearing and list of witnesses:

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To

GEORGE R. MCLEAN, contestant, or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, Esq., and JOHN E. JENKINS, Esq., his attorneys.

You are hereby notified that on Friday, April 14, 1911, at 10 o'clock in the forenoon, at Room No. 12 (sheriff's salesroom), in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken, and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him, as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose names and places of residence are as follows:

George R. McLean, Wm. S. McLean, Jr., D. F. Thomas, J. F. Standish, Wilkes-Barre, Pa.; Charles Guscott, Hazleton, Pa.; W. I. Fleming, Harrisburg, Pa.

C. C. BOWMAN, Contestee.

Service accepted April 12, 1911.

GEORGE R. MCLEAN, Contestant.

WILLIAM S. MCLEAN, Jr., called on behalf of the contestee and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Mr. LENAHAN. I desire at this stage of the case to put upon the record as a fact that the witness is not confining himself to anything in the way of expenditures or any of his actions that took place after his appointment as treasurer, but his books are open to the investigation of the contestee for any period of time that the contestee desires to have them, and in pursuance of that resolve he had thrown open to the contestee, for a full examination, all his books, without limiting the examination as to any certain period of time.

Q. You are a brother of the contestant?—A. Yes.

Q. And were his treasurer during the last campaign?—A. Yes.

Q. You filed an account as treasurer of George R. McLean in the court of quarter sessions of Luzerne County?—A. I did.

Q. I direct your attention to your check stubs, as produced by you, showing payment to Ambrose Green on July 1, 1910, poll man, \$2.50, was that for political purposes?—A. That was as a poll man at the primaries.

Q. Check 3320, dated August 2, T. M. Dullard, loan, \$65. Who is he?—A. He is a former ex-county commissioner.

Q. Is he the tipstaff?—A. Yes.

Q. Had that anything to do with politics?—A. Nothing whatever, and he has paid part of that back.

Q. Check 3330, J. C. Hoover, campaign contribution, \$10, what was that?—A. He copied two poll books of Plymouth borough and gave them to me, and I gave him a check and was afterwards repaid by George. I had no track of it.

Q. Was the money accounted for by you in your account?—A. I didn't charge that, for it was merely advanced to him and subsequently paid by George to me.

Q. And it doesn't appear in your account?—A. No.

Q. Check 3345, to George R. McLean, made up of two items, totaling \$875, the first of which is marked "Loan from special account, \$500," had that any reference to politics?—A. None whatever.

Q. Was that special account a campaign account? It is a bank account?—A. I had a book for it, yes; it was not a political account.

Q. Check 3389, drawn to yourself for stamps, Democratic League and mailing all together, \$7. Was that for political purposes?—A. No; that was the Democratic League, they gave an outing and I handled the tickets for them and mailed them out.

Q. It was during the campaign?—A. Well, the Democratic League is a social organization here. They had a picnic and I mailed the tickets.

Q. Primarily, it is a political club?—A. Well, the name signifies some political affiliations.

Q. This political club has a treasurer, hasn't it?—A. Yes.

Q. And there are assessments made which the membership pays?—A. They pay their dues.

Q. And this amount was paid by you?—A. Yes; this is an outing, a sort of a picnic, they intend to give it yearly.

Q. Do you intend to pay for it yearly?—A. I am going to help out; I had \$7 worth of fun.

Q. Check 3393, drawn to the Luzerne County Democratic League, for membership for your brother, \$5. Does that indicate that the annual membership of the club is \$5?—A. P. C. McLean is it. Their regular dues are \$5. I paid the money.

Q. It has a great number of members.—A. I am not familiar with the roll.

Q. But you paid your brother's membership in the league?—A. Yes.

Q. Check to D. L. Hart, December 15.—A. That was paid to Mr. Hart, who is the receiver of taxes. Probably some taxes on some real estate, the taxes on the A. McLean estate.

Q. Does your check indicate what it was for?—A. The specific amounts. The check itself does not—I don't know, isn't the check there?

Q. No, that check don't accompany the stub.—A. Well, I will furnish the check to you. It is one of a series of checks you will find there that I paid out for taxes.

Q. Was there a picnic of this Democratic club last year?—A. Not as I remember. That was the first calendar year.

Q. Check 3403, Paul Bedford, in full cash collected on Democratic outing tickets. You paid \$38 over to Bedford?—A. Yes.

Q. For what purpose?—A. The tickets were sent to the members of the club and they paid various members of the club, and among them they paid me 30 odd dollars, which I turned over to Paul Bedford.

Q. Was that outside?—A. No; tickets were sent to each member of the club and they were supposed to use or return the tickets or to remit for the tickets. Those that remitted to me I turned the money over to Paul Bedford.

Q. Who was Paul Bedford?—A. Treasurer of the outing fund.

Q. He was not treasurer of the Democratic club, though?—A. No; he took charge of the outing. He was secretary of the club.

Q. No. 3436, drawn to yourself for \$50. Have you any recollection of who her that was used for political purposes?—A. What date was that?

Q. I think it was October 14. That was for the Princeton football game.

Q. Then the two checks following, Nos. 3438 and 3439, one for \$60 and one for \$20 to Paul Bedford. They are also included in this?—A. Yes.

Q. And were not for any political purpose?—A. No.

Q. Check 3484, dated November 4, to E. J. Moore, secretary of county committee, \$1,250. What was that for?—A. That was a sum of money put in the hands of E. J. Moore for poll men for that part of the congressional district also covered by the senatorial district.

Q. That was set aside in Mr. Moore's hands?—A. Yes; and was then to be distributed at the direction of John J. Moore and myself.

Q. What did John J. Moore have to do with it?—A. He was the treasurer of the campaign of Asa K. De Witt, the Democratic senatorial candidate.

Q. And he put in an equal sum?—A. Yes.

Q. In other words, you made a pool of \$2,500, one half contributed by McLean and the other half by De Witt for poll men, in that part of the senatorial district which embraces the congressional district, or rather in that part of the congressional district which embraces the senatorial district.—A. It was not pooled, it was a fund to be used for poll men in that part of the congressional district which embraced the senatorial district.

Q. To be used for poll men for both candidates?—A. Yes.

Q. Can you designate in your account the items that go to make up that \$1,200?—A. Yes.

Q. You don't account specifically for that lump sum as paid to Mr. Moore, do you?—A. Well, it was put in his hand for a specific purpose, and those purposes I set out in detail in my account.

Q. I wish you would tell us to whom you paid the \$1,250 as shown by your account.—A. John Bigelow, \$400.

Q. Is there any item in your account of John Bigelow, \$400?—A. The item of \$400 is embraced in the item of \$490. That \$90 being an additional sum together with \$60 more which I sent him, subsequent to the \$1,250 being placed in Moore's hand.

Q. You sent John Bigelow, according to the first item as shown by your account, \$490?—A. That \$490 embraces \$400 sent him by E. J. Moore, and \$90 sent him by myself.

Q. How did you send him the \$90?—A. In a check of \$150. The second item covers the balance of the check of \$150.

Q. Why did you separate the \$150 check into two items and put the \$90 into the \$490 item?—A. We were entitled to cover the polls with two watchers or poll men, and I instructed Bigelow to that effect, and sent him subsequently a sum of \$60 for special watchers.

Q. How did you send the \$60 to him?—A. In a check of \$150.

Q. Why didn't you pay the whole \$150 in one check with the \$400 making \$550?—A. My account was drawn up according to my instructions to the respective chairmen, and that is the way I treated the account.

Q. What directions were there to Bigelow which necessitated the dividing of \$150 into two parts?—A. He was directed to man each poll with two poll men for my brother, 49 districts, \$490, and was given \$60 additional for extra or special watchers.

Q. The \$400 that went to make up this \$490 was out of this \$1,250?—A. Yes.

Q. Didn't you and DeWitt's manager deposit enough money to employ two poll men in all the districts in the senatorial district?—A. De Witt was also a candidate upon the Keystone ticket and was entitled to two additional watchers.

Q. Did this \$1,250 that De Witt deposited with Moore along with your \$1,250 have anything to do with the Keystone Party?—A. Bigelow could employ whatever watchers he was directed to employ with the \$400 which came from De Witt.

Q. Then the \$1,250 which De Witt deposited with E. J. Moore was to be used as well for the Keystone as the Democratic Party?—A. The \$1,250 contributed by my check and the \$1,250 contributed by the check of De Witt was to be used by E. J. Moore at the direction of John J. Moore and myself.

Q. For what purpose?—A. To advance the interests in placing the poll men of the two candidates.

Q. To advance De Witt's interests as a Democrat or a Keystone candidate?—A. As a man.

Q. Then it was to advance his interests on both tickets?—A. John J. Moore was to direct the disbursement of the money to the interests of De Witt.

Q. This money was to be used, of course, by De Witt to employ poll men to work for both your brother and De Witt. Was it to be so used? Answer the question.—A. State the question.

Q. Your brother's money and De Witt's money was to be used to employ poll men to work at the polls in these districts for both your brother and De Witt?—A. Not necessarily.

Q. Then why was the money put in the hands of a stakeholder or in the hands of Mr. Moore?—A. We agreed that like sums should be contributed by each candidate for that part of the district which both ran in.

Q. And you agreed that it was to be contributed for a common purpose, didn't you?—A. That purpose being to employ poll men at the direction of Mr. Moore, De Witt's treasurer, and myself.

Q. And if John Moore then directed some part of this money to be used for the employment of Keystone watchers, it was so done; is that right?—A. He had the direction of that part of it at his own discretion. The second district money was placed in my hands with directions that the money was to be used for the senatorial candidate and for the Democratic candidate for Congress.

Q. What is the next item shown by your account, which goes to make up that \$1,250?—A. The next item is a part of item 4.

Q. What is item 4?—A. \$270.

Q. Read the whole item.—A. Wm. S. McLean, jr., poll men, second district, \$270.

Q. What is the next item shown by your account, forming a part of your \$1,250?—A. R. B. Sheridan, poll men, fourth district, \$810.

Q. Read the next one.—A. John J. Moore, poll men, fifth district, \$815.

Q. What is the next one?—A. I think these are the only items.

Q. Are there any others shown in your account which were a part of that \$1,250?—A. Yes.

Q. What were they?—A. Geo. Riley, constable.

Q. How much?—A. \$15. That was half of \$30 which was paid to Riley, \$25 of the \$30 came from that fund and \$5 I gave him myself. Riley's services were used in subpoenaing witnesses in the cases of purging the lists.

Q. That is the same Riley who got \$10 from E. J. Moore at your directions to be placed in Hazle Township, didn't he?—A. No.

Q. To employ poll men in Hazle Township?—A. No.

Q. You didn't direct E. J. Moore to pay that?—A. No.

Q. Do you know that he did pay \$10 out of your money?—A. I know he didn't pay George Riley for any poll men in Hazle Township. E. J. Moore paid Riley \$10, which is a part of this fund I speak of, for subpoenaing witnesses to appear before the court in connection with purging the assessment lists in Hazlebrook.

Q. How much money did Riley get altogether out of this fund?—A. \$25 from the fund and \$5 from me personally.

Q. Is this the Riley who is known as "Yellow Boy"?—A. I say \$25 from the fund, but part of that was paid by E. J. Moore and part by me personally.

Q. Are there any other items shown by your account there included in the \$1,250?—A. No.

Q. Did you pay Riley by check?—A. I believe that Riley's money came by check either from Ed. Moore or from me. The check book shows. It may be that I gave him \$5 in cash to meet some expenses he had to Lackawanna Co.

Q. You sent him to Lackawanna Co.?—A. Yes.

Q. Who is this Riley whom you thus employed?—A. He is a child-faced youth employed by the different squires about town.

Q. Any characteristics, physical or otherwise, by which you might identify him?—A. His likeness to you.

Q. In what respect?—A. Physically.

Q. You think he looks like me? Do you know who Riley is?—A. I don't know Mr. Riley.

Q. Did you know him before that date?—A. He was employed by the attorneys who had in charge the purging of the lists.

Q. Do you know that he has been in jail and served time in this county?—A. I didn't know it.

Q. You had never heard of that?—A. Never.

Q. Had you ever heard him referred to as "Yellow Boy"?—A. I have not; he merely served subpoenas and had nothing to do with politics.

Q. How much do the figures you have given me amount to?—A. It should amount to \$1,250.

Q. Now, I call your attention to check 3486, Rev. Geo. M. Schmitt, subscription, \$8.—A. That had nothing to do with politics.

Q. What was it for?—A. I bought some tickets to a play which some of the boys of his parish gave. They are particular friends of mine, Smith and the others.

Q. Where does he live?—A. In the city of Wilkes-Barre; it is Father Schmitt.

Q. Check 3488, Con Boyle, \$15. What was that?—A. That was a loan and had nothing to do with politics.

Q. It was the Saturday before the election, wasn't it? What was the date?—A. Fifth day, eleventh month.

Q. November 5 was close to election?—A. Yes.

Q. Who is Con Boyle?—A. He is an old friend of our family and worked for my grandfather at Summit Hill.

Q. He is a politician, isn't he?—A. I never knew him to be.

Q. You gave that amount to Con Boyle?—A. Not in connection with politics.

Q. Don't you know that he was employed and holds now a political job in the courthouse?—A. He is employed about the courthouse, but I guess he works for what he gets.

Q. He is holding a job as a political appointee, isn't he?—A. I wouldn't care to go upon the record as calling that a political position. He is working here as janitor.

- Q. He is a Republican, isn't he?—A. I don't know his political faith.
- Q. How did he come to ask you for \$5 the Saturday before election?—A. He asked me to loan him \$5, and I gave him a check for it. The money has been paid back.
- Q. How was it paid back, in check or cash?—A. Cash.
- Q. When was it repaid?—A. I couldn't tell you exactly.
- Q. How long after the election?—A. Oh, it wasn't within a couple of months succeeding the election I should say.
- Q. Is that the most definite answer you can give as to the time?—A. That is the best answer I can give.
- Q. Is that the most definite answer you can give as to the time?—A. That is the same.
- Q. And that was the additional payment of \$5?—A. No; that is included in the amount already designated.
- Q. How did you pay him the other \$10?—A. Which other \$10?
- Q. You accounted for paying him \$15.—A. That was one-half of the \$30 which was paid. \$25 of the \$30 was paid jointly by De Witt and my brother.
- Q. And the \$15 that you accounted for came out of the funds in E. J. Moore's hands, did it?—A. Of the \$30 which Riley was paid, \$25 came from the fund and \$5 additional from me.
- Q. Did you account for that \$5?—A. Yes, by charging one-half of the gross sum, \$30, of which my account is \$15.
- Q. You did actually pay him \$17.50?—A. As a matter of fact I did pay \$2.50 over which was not put in Moore's hands.
- Q. And which was not accounted for by you?—A. It was accounted for by me.
- Q. You paid really \$12.50 out of E. J. Moore's hands, didn't you?—A. Riley received more than that.
- Q. Of your money, the McLean money, he received \$12.50 from Moore?—A. That is right.
- Q. And \$5 from you personally?—A. It was to be considered for the general interest of the Democratic candidates in that district. As a matter of fact, I generously advanced \$2.50 more than I have charged De Witt with.
- Q. But you didn't put it in your account?—A. I charged half of the balance—of the expenses of Geo. Riley, \$15.
- Q. The next check is E. J. Moore, No. 3496, Miners Mills, Pat Finn, \$25. What was that for?—A. For Finn to employ poll men for election day. I absolutely overlooked that in my account.
- Q. How did you come to overlook that in your account?—A. In going over my papers. It is some time ago, and I am free to say that I overlooked the employment of pollmen by Pat Finn.
- Q. The other three checks, all of which are political, are they not—M. J. Hill, check No. 3494, \$30; the next, No. 3498, Geo. Riley, \$5; and the third, E. J. Moore, No. 3496, Miners Mills, Pat Finn, \$30—these three were for political purposes?—A. They show for themselves.
- Q. And of course, in making up your account you overlooked them from your check book?—A. I had access to my check book. I overlooked the check.
- Q. Check No. 3497, E. J. Moore, Kingston, B. W. Davis, \$40; was that for political purposes?—A. For pollmen in the borough of Kingston.
- Q. Mr. Moore has testified here that he delivered a check from you or your brother to B. W. Davis for \$40. Was this the only check you sent Moore for Davis?—A. Yes.
- Q. I show you check attached to that stub. That is the check you sent to Moore for the payment of Davis?—A. The check corresponds with the stub.
- Q. By whom is it indorsed?—A. Apparently indorsed E. J. Moore.
- Q. Does the indorsement of Mr. Davis anywhere appear on that check?—A. The check speaks for itself.
- Q. Does it?—A. I don't see it on that part of the check you show me.
- Q. I wish you would look at the whole check.—A. That is the only indorsement I find on the check, "E. J. Moore."
- Q. Check No. 3499, stub of which has been crossed out or the writing on the stub crossed out, made originally to Geo. Hinkle. What was the other writing on there?—A. That is a canceled check, never sent and never presented.
- Q. What was the other writing on there?—A. I was prepared to make a bet of \$25 that Berry would carry the county of Luzerne. Geo. Hinkle asked me if I wanted to bet it, and I said I would, and drew the check, and he afterwards told me the bet was off and I canceled the check.

Q. Check 3503, dated November 4, to Geo. F. Buss, \$250. That was for political purposes?—A. Yes.

Q. As testified to by Buss?—A. Yes.

Q. And check 3505 to W. J. Butler for \$100 was also for political purposes, dated November 7?—A. Yes.

Q. And on the same page there is a check stub, 3504, the day before election, P. C. McLean, cash \$400. What was that?—A. I intended to have Percy cash a check in the bank for me for \$400, but he wasn't about the office after I filled in the stub, so I drew the check to myself and presented it myself and cashed it.

Q. And you got \$400 in cash from the bank the day before election?—A. Yes.

Q. What did you do with that?—A. I had intended drawing that check to place addition money to the amount of \$100 with the city chairman and subsequently I gave him a check for his amount, that is the \$400, which I received and I paid Jos. Freeman, for poll men in the sixth district \$100. M. Lavin, poll men in Hanover Township, \$50.

Q. Who is Wm. Lavin?—A. A resident of Hanover Township.

Q. What position does he hold in Hanover Township?—A. I don't know.

Q. He is the tax collector in Hanover Township, isn't he?—A. I didn't know that he had any official position.

Q. Is he a Republican or a Democrat?—A. He is a friend of mine and I asked him to place poll men in Hanover Township and he consented to do so, and I gave him the money.

Q. His friendship for you would hardly indicate his political affiliations?—A. I don't know them.

Q. Have you ever heard?—A. I don't know as I ever have. Let me see, you interfered with my line of thought. How far did I get. \$50 to Lavin. \$35 to Anthony Toole for poll men in Wilkes-Barre Township. From that fund I might have also have paid the poll men for Laurel Run, to a man named Rainbow or Rane \$5.

Q. That is \$190. Can you account for the other part of the \$400?—A. That is all I expended, except one or two incidental expenses. I bought Jonathan Davis's breakfast the morning after election when he admitted to me that Bowman was licked, before he went out to see the different poll men.

Q. I wish you would get that on the record right. Before he went out to see the different poll men, what do you mean?—A. After he had his breakfast at Redingtons, he started out to the different polls around the county.

Q. What polls did he go to?—A. I am not prepared to say, I wasn't with him.

Q. How do you know that he went to any?—A. From the results afterwards.

Q. If you know the results you must have some specific districts in mind.—A. I can't tell you where he went, but I am told.

Q. You intended by your answer to charge Davis with a crime, didn't you?—A. Not at all. No, it is not a crime to buy a man's breakfast.

Q. No, but you answered that he had gone out to see certain poll men after you bought him his breakfast and that the result speaks for itself. Did you mean to indicate by your answer that he caused certain results to be changed?—A. Not at all, I merely repeated to you what actually occurred.

Q. Now can you point to any district where Davis went after election and saw any man and had any wrong done?—A. I am not prepared, nor do I propose to such a thing. Examine Davis, and he can tell you where he went after he had breakfast with me.

Q. You say he told you that Bowman was beaten?—A. Yes, and so it appeared on the face of the returns.

Q. On the face of what returns?—A. The returns which had been received.

Q. Do you know of any returns that were changed after they appeared?—A. I don't.

Q. When you say that McLean's election was indicated on the face of the returns on the morning after election, what returns did you refer to?—A. Election returns.

Q. Where?—A. Throughout the county.

Q. Where had you seen the election returns which showed McLean's election?—A. I got them at the Democratic headquarters and from the Wilkes-Barre Record.

Q. Did you have the full returns from the 310 precincts in the county?—A. There are more than 310.

Q. How many are there?—A. Look it up.

Q. There is no reason to be discourteous in this matter.—A. Not at all. There is no use asking me how many districts there are either.

Q. You volunteered that there are more than 310 precincts, and I now ask you how many more there are?—A. There are more than 310.

Q. Do you know how many more there are?—A. Several.

Q. Had the returns come in from all the districts when you came to the conclusion that your brother was elected on the morning after election?—A. I can't just recollect any districts which were not in at that time.

Q. What time did you have breakfast, on the morning after election, with Davis?—A. About half past 8.

Q. At that time the papers hadn't appeared in the county?—A. I hadn't seen any at that time.

Q. You don't mean to say that at half past 8 in the morning at Democratic headquarters that you had the full returns from all the precincts of this congressional district, did you?—A. The returns shown at the Democratic headquarters and at the Wilkes-Barre Record office practically indicated a fairly full return throughout the county.

Q. The Wilkes-Barre Record didn't have more than 250 or 260 the next morning when they went to press.—A. They didn't have all that we had.

Q. Your returns showed McLean's election?—A. Yes.

Q. You have got into the record that some returns, after the vote was counted, was changed, either through the instrumentality of Mr. Davis or somebody else. Can you give now one district where you know them to have been changed?—A. I haven't specially investigated this matter.

Q. Can you account now for any more of that \$400 than you have accounted for?—A. That would make in the neighborhood of \$200, and I subsequently returned to the bank cash for the balance.

Q. Have you your deposit book with you?—A. Yes.

Q. Let me see it. Did you deposit the lump sum of \$200 or was that a part of another deposit?—A. My recollection is that I made several deposits after election in a few days, and I believe that money or a greater portion of that money and other moneys were deposited in cash on November 14; that is my recollection.

Q. You paid Wm. Lavin, in Hanover township, \$50.—A. Yes.

Q. Did you take a receipt from him for that?—A. I never did.

Q. Why not?—A. Well, at the time I was in a considerable of a hurry and I didn't think it necessary.

Q. Before you filed your account did you ask him for a receipt?—A. I never mentioned receipt, I charged myself with that sum.

Q. That sum in particular?—A. Yes.

Q. But this all goes to make up a larger lump sum in your account?—A. That sum which was paid out for poll men in Hanover Township is part of the fund appropriated to the second legislative district and is part of item named in my amount of \$270.

Q. That was a payment by you as treasurer for your brother of an item over \$10 for which the law requires that you shall take a receipt. Why didn't you take it?—A. I treated it as poll men employed directly by me and treated it in that way. It was not entirely for my brother. It was an item which went to make up a greater sum of \$425 which was expended for me in the second legislative district.

Q. Who expended the \$425 for you or your brother in the second legislative district?—A. Now, nobody expended \$425 for my brother in the second legislative district. I received \$212.50 from my brother and the same from Asa K. De Witt, the senatorial candidate.

Q. You received from Asa K. De Witt, \$212.50?—A. That is to say, \$212.50 was placed in the hands of E. J. Moore for Asa K. De Witt and \$212.50 of mine.

Q. John J. Moore, treasurer for Asa K. De Witt, filed an account in this courthouse where he charges you with receiving \$270; is that so?—A. At the time that receipt was prepared I told John that I thought he had the wrong amount. He took practically the amount which I had received in cash from E. J. Moore and afterwards when I computed my own figures I told J. J. Moore that the receipt which I had given him for \$270 should have been \$212.50.

Q. Out of the \$1,250 which you had deposited with E. J. Moore, how much did you actually get back in cash?—A. I got back, in cash, from E. J. Moore, \$267.80.

Q. What was that money repaid to you for?—A. That was money which I had used for the payment and employment of poll men in the second legislative district.

Q. Was that all the money you got from him?—A. That is all I got back from E. J. Moore.

Q. How much money did you actually send into the second legislative district?—A. I expended for the general interests of the senatorial and congressional candidates, \$425 and I expended for my brother in that part of the congressional district which was covered by the senatorial district the balance.

Q. Which part of the second legislative district is not covered by the senatorial district?—A. Wilkes-Barre Township and Laurel Run, two districts, and one of the items of the difference between \$215 and \$270 was money which I expended in sending my brother to Conyngham, \$13.48, P. C. McLean.

Q. Is that particular amount included in your account?—A. Part of the \$270; yes.

Q. Where does the \$425 appear?—A. The \$425? Half of that, \$212.50, is, pro tanto, that part of \$270.

Q. You spent \$270 yourself?—A. Yes.

Q. And Moore subsequently paid it to you?—A. He paid me the balance of the fund of \$425 which remained in his hands after he had made certain outlays at my direction amounting to \$267.80.

Q. What outlays had Moore made in the second legislative district?—A. \$157.20.

Q. To whom had he paid that?—A. That went presumably out in the second legislative district, but as a matter of fact he paid one or two poll men in the upper district of the county.

Q. Where De Witt was not a candidate at all?—A. Where he was not a candidate.

Q. That was paid entirely for your brother's account?—A. Yes.

Q. Tell me the persons who lived in the second legislative district that E. J. Moore returned to you that he had paid money to?—A. J. K. P. Fenner, employment of poll men in the first and second precincts of Ashley, \$20; D. H. Brislin, Warrior Run, \$10; William Kilgallon, Pittston, \$10.

Q. Is that in that district?—A. No; that is not in that district, but as I say, some money was paid out of this joint fund at my direction not for the senatorial district. Just by chance.

Q. That sum of money that went into Pittston and the Pittston district was taken from this fund which had been jointly deposited by you and De Witt's representative?—A. Exactly.

Q. De Witt didn't pay any of that, did he? He didn't pay any of your brother's expenses in the fifth district?—A. No; but by chance E. J. Moore, who was county chairman, indiscriminately made certain payments at my direction and took it from this fund.

Q. How did you arrive at the sum of \$425 as having been paid out of that \$1,250 for the second legislative district?—A. That is my charge after making a specific distribution of the balance of the \$2,500. That remained for that district.

Q. E. J. Moore actually sent into the second district but \$125.—A. Charged against the second district was the sum of \$157.20, and there are two or three watchers charged by chance that were paid as poll men in another part of the county.

Q. Then the balance of \$425 was spent by you?—A. Exactly.

Q. In the second legislative district?—A. Yes.

Q. I wish you would tell us how you spent that, other than the \$50 you gave to Lavin and the \$35 to Toole in Wilkes-Barre Township.—A. Of the fund of \$425, \$157.20 was expended by E. J. Moore at my direction, with one or two exceptions, for poll men in the second legislative district. The sum of \$267.80 I charged myself with and distributed as follows: \$50 for poll men in Hanover Township.

Q. Was that the money paid to Lavin?—A. Yes. \$10, pollmen, Black Creek Township.

Q. Who did you pay that to?—A. The day on which I went down through the second legislative district was the day on which we had the snow blizzard and I was obliged to make my entries for money paid in a rather haphazard manner. But I have my paper of original entry, upon which I entered the names of those that I employed as poll men.

Q. Tell us who they were.—A. Black Creek, first district, Squire Smith and Fred Logar. Smith isn't squire now, but that is his title.

Q. What does Logar do?—A. Farmer.

Q. Five dollars apiece?—A. Yes.

Q. Go ahead.—A. Black Creek, second district, so far as I can make out, was Andrew Wall, Peter Brager; \$5 for an additional poll man in Derringer. That was \$25 for the election precincts of Black Creek Township. Bear Creek was looked after for us by Bowman. Butler Township, first district, P. Reisenweaver and Benninger. They either or both of them were instructed to employ poll men for the third Butler Township district. The money placed there was \$20 for poll men. Conyngham borough, I have the entries of J. S. Getting and Guy Hutton. \$10. Either one of these men received the money, or perhaps they each received \$5 to employ poll men. Whether they acted themselves I am not prepared to say.

Q. Getting is a constable in that town, isn't he?—A. Not that I know of. Dallas Township, \$15; Jake Stein and John Thomas. That is a large rural community and I directed them to employ three poll men; \$15 for poll men in Dallas. Dennison Township, first, second, and third districts, and White Haven borough, north and south, I paid T. Gallagher \$30 to employ poll men.

Q. Did you take a receipt from him?—A. The money was paid to him; it was placed in the hands of Edwin Shortz and he saw Gallagher and paid him the money and took a receipt for the \$30.

Q. Why didn't you file that receipt?—A. Because I employed the poll men practically myself, and I charged myself with the item for poll men. That is the only receipt taken for these poll men.

Q. You knew you were bound, under the act of 1906, to take and file a receipt from every man whom you paid an amount of \$10, no matter what he was to do?—A. But I charged myself specifically for the poll men and made that an item. I took the fund in the second district to pay that jointly in the senatorial and congressional districts, and I charged myself with the sum I expended in those precincts.

Q. Why did you do that in the second district when you didn't in the other districts?—A. That was the only district I took charge of.

Q. You never lived in the second legislative district?—A. No, but I am quite familiar with some of the farmers in that district and I have quite a number of friends there.

Q. A small proportion of the vote is the farming population?—A. No.

Q. The heaviest voting precincts are Laurel Run borough, Wilkes-Barre Township, Ashley borough, Hanover Township and Nescopeck, are they not?—A. There is a large proportion of that township which has a farming population, is a farming district and it would require a separate trip to go over that. If you will permit me I will proceed with the rest of this discourse. Fairview Township, \$5 Jule Wick; you will find that check July 2, in the name of Harry Brong. He merely carried it to Wick at my request and it is endorsed by Wick. Nescopeck Township, first district, Hartsell; I don't know his first name.

Q. How much did he get?—A. \$10 to employ two watchers in what we will call the east district of Nescopeck Township. Second district, S. N. Nagle and a man named Mertle received \$5 each for poll men, Nescopeck Township west district. Hartzell, \$10 for two poll men. South district, Kispa, \$10 for two poll men. North district, H. Nagle, \$10 for two poll men.

Q. That is the same Hartzell you paid the other \$10 to?—A. No; the Hartzell, who received the money in the east district of Nescopeck Township, lives there—about four or five miles from there. Will Nagle, he received the money in Nescopeck Borough and he lives in the borough. They may be related; almost everybody is an uncle down there. In Sugar Loaf Township I paid \$15 for three districts, and I believe that money was given to John Hape, but I can't remember whether it was him or somebody else, but my recollection is that it was Hape. And a special watcher in Hanover Township, the money was given to Joseph D. Daines.

Q. Where does he live?—A. Hanover Township. The balance of the \$267.80 was paid out for wages out at different rural precincts; I directed the poll men to employ them on election day.

Q. Did you give them the money?—A. I gave them for each wagon from \$3 to \$5.

Q. How many wagons did you have out that day?—A. Well in the fifteen or eighteen precincts I think I employed in the neighborhood of five or six wagons.

Q. Did you know whom you gave that money to?—A. In each instance the money for wagons was likely given to those who received the money for poll men.

Q. Doesn't it appear, where you paid a watcher, if you have anything entered for the wagon, doesn't it appear on the list?—A. The list here speaks for itself. No, I can't remember it. As I say it was a terrible day and sometimes we would meet men on the road going to and from their work and I merely jotted down the name, and that is all I thought necessary. If it was one of those districts where the people lived a great distance from the polls, I employed a wagon.

Q. You put down the amount?—A. I carried that in my head.

Q. Then do you testify to these amounts from data you made after getting home?—A. No.

Q. Did you put the amounts down after getting home?—A. No.

Q. Do the amounts appear anywhere on that paper?—A. No.

Q. You have not been reading the amounts from the paper?—A. No.

Q. You have been testifying from your recollection as to the amounts?—A. I have.

Q. How many watchers did George Drier employ for you?—A. The Drier family employed one watcher.

Q. How much money did you pay Drier?—A. I didn't pay him any. The Drier family employed one watcher.

Q. How much money did you pay anybody by the name of Drier for political purposes?—A. None.

Q. Who is George Drier?—A. He is an ex-student of law in our office.

Q. What is his employment now?—A. He works in the city tax office.

Q. What was his employment last election? The same?—A. He works there periodically.

Q. Was he working there during the campaign to your knowledge?—A. I don't know whether he was or not.

Q. Did you send him to Hazleton or authorize him to go to Hazleton?—A. He went to Hazleton I think once or twice and went to Conyngham village with my brother Percy on one occasion.

Q. Who paid his expenses to Hazleton?—A. I suppose he paid his own way.

Q. Of course you never paid him anything for going?—A. No.

Q. Did you send him with any money down to Henry Walser at Hazleton?—A. No.

Q. You know Walser?—A. Very well.

Q. Did you give him any money?—A. No.

Q. None at all?—A. No.

Q. I note here James P. Williams—A. That is the watcher I referred to a few minutes ago, employed by Drier. He was employed by the Drier boys as a watcher and he came in subsequently and I gave him what he said he had been promised, \$5. I believe I overlooked that item in making up my account, as he hadn't been one of the men employed by me.

Q. Check 3541, dated November 28, 1910, James Caul, posting pictures, \$2.75.—A. That was included in the surplus in the difference between the \$225 and the \$270 which I expended for George's account.

Q. Did you account for this?—A. Yes; in the item of \$270.

Q. That item covers a multitude of sins.—A. I have specified in detail. I explained how that \$270 was expended and the difference between \$215 and \$270 is that I expended outside the senatorial district for my brother.

P. Does this check No. 3542, of \$29, to S. A. Shirley, in full, election day, exhibiting moving pictures, \$7.50—what is that?—A. That had nothing to do with the political expenses. At the Democratic League that night of election the proposition was made among the members of the league there to have the returns posted, and I said I would pay for the expense of that out of my own pocket.

Q. That was another burden you assumed for the Democratic League?—A. Well, for the public in general. We had the moving pictures there for the enjoyment of the people who stood on the street. That was after the election.

Q. Check 3556, John E. Jenkins, poll man, second ward, Kingston, \$5. What was that for?—A. That is charged in my account. On election day Jenkins investigated conditions in Kingston borough and found no pollman at that precinct. I asked him to employ one, and he employed Thomas Walsh.

Q. Hadn't you given Burt Davis \$40 to put poll men in each ward?—A. On election day it was found that there was none at that precinct.

Q. Did you call up Davis and ask him if he had employed one there?—A. I was a busy man that day and asked Jenkins to do what he thought was best.

Q. Did you spend any money on election day?—A. Not that I remember.

Q. Did you employ any poll men as you traveled around that day?—A. None.

Q. Didn't you find any places at all where your men were not active and worked at the polls?—A. My time was given up to the most part to the two districts in the tenth ward, and I found things very active there.

Q. Check No. 3562, John J. Anzmann, \$4.50, election return. What was that for?—A. He furnished the canvas sheet put up on Andrew Derr's building, upon which the moving pictures were displayed. And I paid for that.

Q. But that you didn't account for?—A. That is not an election expense. That was for the Democratic League again, and was secured after the voting was all done and polled.

Q. Check No. 3603, John Sonip, pollman, third ward, Swoyersville, \$5.—A. Read the entire stub, the date.

Q. 12/22/1910.—A. December 22 he came to my office and reminded me that I had directed him to employ a poll man in the borough of Swoyersville, and he told me he had paid the man \$5, and I reimbursed him for that amount.

Q. Who was the man he employed?—A. I don't know his name.

Q. Who employed your watchers for you in the borough of Swoyersville?—A. I spoke about it to Squire Miller to employ watchers.

Q. He is a Republican, isn't he?—A. I don't know what his politics are. I will tell you the whole story. Squire Miller came to my office some days before election, along in the afternoon, and said he had been sent there to give us some advice in reference to Swoyersville and to employ—

Q. Did he say who had sent him there?—A. A man who had frequently been in our office, in and out during the campaign.

Q. Who was that man?—A. Robert Bowen. I told him that the legislative chairman for that sixth district, Honeywell, had charge of the employment of poll men for the entire district, and if for any reason he couldn't take charge of Swoyersville I would see him again and have him get us two poll men in each precinct. Subsequently I saw Honeywell, and he said that he could better take care of the rural part of the district, and he asked me to get the poll men for Swoyersville. The night before election I went to Miller's home with John Sonip. We went in the house and Sonip went with me and there were two Polanders sitting in his dining room, and I asked Miller if he had any suggestions as to two poll men in the three Swoyersville precincts, and he said, "I am sorry, but I have received the money from Jonathan Davis and I can't therefore employ poll men for you in this district." He said, "I am sorry, but John Sonip can pick out poll men for you as well as I can." So we went out of Henry Miller's house, and I asked John Sonip to employ some poll men for me if he could in these three Swoyersville districts. Subsequent events showed that he employed but one Polisher.

Q. Then you say you left Swoyersville borough absolutely in the charge of John Sonip?—A. I asked him to employ poll men in each district, and he told me that he had obtained only one poll man on December 22, when he came in and got the money.

Q. Before you filed your account with the knowledge that you had designated this man to employ poll men in Swoyersville borough did you call him up on the phone and ask him if he had employed anybody?—A. It was an eleventh-hour proposition and entirely escaped my recollection.

Q. Who employed the poll men for you in Luzerne borough?—A. I had Murray look after a couple of districts over there. I am not prepared to say, but I think it was Wyoming.

Q. Murray has already testified that he spent some money for you, at your direction, in Wyoming borough. Who employed your poll men for you in Luzerne borough?—A. We had none.

Q. How many wards are there in Luzerne borough?—A. I say we had none, but it may possibly be that Honeywell, in the 13 precincts that he was to take care of, took care of a part of Luzerne. It seems to me that he told me he did.

Q. Were you leaving a town of the size of Luzerne absolutely without watchers in your brother's behalf?—A. My recollection is now that he would take care of that—Honeywell. It was his old home.

Q. You told me a few minutes ago that he told you that he would use the \$90 you gave him in the country districts.—A. At the time I had the conversation with him with reference to Swoyersville he said he had better take care of the country districts, but it seems to me my recollection of a talk I had with him is that Honeywell told me he had lived in Luzerne borough and had a number

of friends there who would do an immense amount of good for us by getting out and actually voting.

Q. Then you left it to Honeywell, did you?—A. Yes; he was chairman for that district.

Q. Do you know how many people there are in Luzerne borough?—A. No.

Q. Do you know that there are about 5,000?—A. I don't know how many there are.

Q. There are six or seven wards there?—A. I can tell you the number of voting precincts by looking it up, but I am not prepared to tell you offhand.

Q. Who employed your watchers in Dorranceton borough?—A. I don't know.

Q. Then you can't account for any money spent in Dorranceton borough?—A. I attempted to recall it to mind—since the poll men were employed. I think we employed a man to obtain a couple of poll men in Dorranceton, but I have absolutely forgotten that item; I think it was about \$10.

Q. You overlooked that and didn't file it in your account?—A. I don't think I did. I will look there.

Q. Your account shows no money spent in the borough of Dorranceton. Do you know who the man was that you paid this money to?—A. I could find out his name, if you want me to; but I don't know the name now.

Q. You endeavored to put at least one watcher in the borough of Dorranceton in each ward?—A. My recollection is that we had two poll men for the borough.

Q. There are four wards in the borough?—A. I don't know.

Q. Who paid the poll men for you in the three wards of Forty Fort borough?—A. I believe Murray—that was Wyoming—I don't think we had anybody in Dorranceton; it was in Forty Fort, I believe, we had them.

Q. How did you come to overlook Dorranceton, with a population of 5,000?—A. It wasn't necessary to place poll men in Dorranceton. We had a number of friends there, and they are the class of people who go to the polls, anyway.

Q. They do that in country districts, too, don't they?—A. No, indeed; they do not. You go over down around the country, and you know that they don't go, unless you go and get them out.

Q. You think, then, that nobody spent any of your money in Forty-Fort for you?—A. I think we did in Forty Fort, but not in Dorranceton.

Q. Who would you be likely to give your money to there?—A. I can find out and give it to you later.

Q. Well, find out and let us know later.—A. Yes; it is a matter that has absolutely escaped my mind until now.

Q. Who was your watcher in Courtdale borough?—A. We had none.

Q. And none in West Wyoming?—A. Not that I know of.

Q. That side of the river was pretty well neglected by you, wasn't it?—A. I depended on Honeywell to stir up some men. We didn't have the money to spend.

Q. Your brother has told us how you got the \$3,500 to spend for him. Will you produce to-morrow morning the check whereby you paid him the \$1,500 of the \$3,500?—A. They are all in that book.

Q. You have them on hand here to-morrow.—A. They are on there—two \$500 items. You referred to that \$500 this morning. Two \$500 items, and now—

Q. Well, you be here to-morrow morning, with your check books, at 10 sharp, so we can spend a half hour going over them and start sharp at 10.30.

(Adjourned until 10.30 a. m.)

SATURDAY, APRIL 15, 1911.

Hearing resumed at 10.30 a. m., pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., John H. Dando, Esq., Wm. L. Bowman, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John T. Lenahan, Esq., John E. Jenkins, Esq., A. C. Campbell, Esq., counsel for contestant; George R. McLean, contestant, in person.

(Contestee offers in evidence a certified copy of the withdrawal of Robert P. Robinson as candidate for Representative in Congress in the eleventh congressional district of Pennsylvania on the Prohibition ticket, filed in the office of the secretary of the Commonwealth of Pennsylvania, October 21, 1910, said certificate being under the hand and seal of Louis E. Beilier, deputy secretary

of the Commonwealth, and bearing the great seal of the Commonwealth, and reading as follows:

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

CERTIFICATE.

To all whom these presents shall come, greeting:

I do hereby certify that the following and hereunto attached is a full, true, and correct copy of withdrawal of Robert P. Robinson as the candidate of the Prohibition Party for the office of Representative in Congress in the eleventh district of Pennsylvania, as the same remains on file in this office.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed at Harrisburg, this 8th day of February, A. D. 1911.

[SEAL.]

LOUIS E. BEITLER,
Deputy Secretary of the Commonwealth.

To the Hon. ROBT. McAFFEE,

Secretary of the Commonwealth, Harrisburg, Pa.

I, Robert P. Robinson, having been nominated at the primaries held on the 4th day of June, 1910, for the office of Representative in Congress, in the eleventh district, by the Prohibition Party (without my knowledge or consent), do hereby withdraw as a candidate for said office and request that my name be not certified to the county commissioners for printing on the ballot.

ROBERT P. ROBINSON.

STATE OF PENNSYLVANIA, *County of Luzerne, ss.:*

Personally appeared before me, a notary public, residing at Wilkes-Barre, Pa., the above named Robert P. Robinson and in due form of law acknowledged the foregoing instrument of writing, or withdrawal, to be his own act and deed and desired that the same might be recorded as such.

Witness my hand and notarial seal this 15th day of October, 1910.

[SEAL.]

JOHN P. POLLOCK,
Notary Public, Wilkes-Barre, Pa.

Commission expires January 21, 1911.

Filed in the office of the secretary of the Commonwealth, on the 21st day of October, A. D. 1910.

LEWIS E. BEITLER,
Deputy Secretary of the Commonwealth.

Marked "Contestee's Exhibit A."

(Contes'ee offers in evidence certified copy of paper filed in the office of the secretary of the Commonwealth of Pennsylvania, signed by A. Ricketts, chairman, and Frank Argust, secretary, substituting as the Prohibition candidate aforesaid, Charles C. Bowman. Said paper being filed in the said office on October 24, 1910. Said certificate bearing the signature of Lewis E. Beitler, deputy secretary of the Commonwealth and the great seal of the Commonwealth, and being as follows:

COMMONWEALTH OF PENNSYLVANIA.
OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

CERTIFICATE.

To all to whom these presents shall come, greeting:

I do hereby certify that the following and hereunto attached is a full, true, and correct copy of proceedings substituting the name of Chas. C. Bowman as the candidate of the Prohibition Party for the office of Representative in Congress in the eleventh district of Pennsylvania, as the same remains on file in this office.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed at Harrisburg this 8th day of February, A. D. 1911.

[SEAL.]

LEWIS E. BEITLER,
Deputy Secretary of the Commonwealth.

WILKES-BARRE, PA., October 21, 1910.

To the SECRETARY OF THE COMMONWEALTH,

Harrisburg, Pa.

This certifies that at a meeting of the executive committee of the Prohibition Party organization of the eleventh congressional district, Luzerne County, Chas. C. Bowman was selected as the candidate of said party in said district to fill the vacancy on the ticket caused by the withdrawal of Robert P. Robinson, and that the rules of said party authorize the committee to fill such vacancy, the committee representing said party authorized to make substitution is composed of A. Ricketts and F. Argust, and this manner of substitution has been the custom of said party for years.

A. RICKETTS, *Chairman.*
FRANK ARGUST, *Secretary.*

Personally appeared before me a notary public residing in the city of Wilkes-Barre, the above named A. Ricketts and Frank Argust, who being duly sworn according to law say that the facts set forth in the above certificate are true and correct.

Witness my hand and notarial seal this 22d day of October, 1910.

[SEAL.] G. W. REYNOLDS, *Notary Public.*
My commission expires March 11, 1913.

Filed in the office of the secretary of the Commonwealth on the 24th day of October, A. D. 1910.

LEWIS E. BEITLER,
Deputy Secretary of the Commonwealth.

Marked "Contestee's Exhibit B."

Contestee offers in evidence certificate from the office of Robert McAfee, secretary of the Commonwealth, bearing the great seal of the Commonwealth, showing the certificate of nomination, substituting Henry W. Palmer as the candidate for the Prohibition Party for the eleventh congressional district of Pennsylvania in place of Agib Ricketts, withdrawn, for the year 1908, reading as follows:

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
PENNSYLVANIA.

To the SECRETARY OF THE COMMONWEALTH:

We hereby certify that we are all of the members of the committee of the Prohibition Party of the eleventh congressional district of Pennsylvania, duly authorized by the rules of said party to make nominations on the Prohibition ticket for said district in case of the death or withdrawal of any candidate.

That Agib Ricketts, Esq., who was duly nominated as a candidate for the Prohibition Party in the said eleventh district of Pennsylvania has withdrawn his name from said ticket and that Henry W. Palmer has been nominated by the said committee as the candidate of the said party for the said district in the place of the said Agib Ricketts, Esq.

A. RICKETTS, *Chairman.*
FRANK ARGUST, *Secretary.*
WILLIAM B. BERTELS, *Treasurer.*

STATE OF PENNSYLVANIA, *County of Luzerne, ss.*:

William B. Bertels and Frank Argust, being duly sworn according to law, depose and say that the statements made in the foregoing certificate are true.

WILLIAM B. BERTELS.
FRANK ARGUST.

Sworn and subscribed before me this 17th day of October, 1908.

[SEAL.] ALEX RICKETTS, *Alderman.*
My commission expires first Monday in May, 1910.

Filed in the office of the secretary of the Commonwealth on the 19th day of October, A. D. 1908.

LEWIS E. BEITLER,
Deputy Secretary of the Commonwealth.

**OFFICE OF THE SECRETARY OF THE COMMONWEALTH
OF PENNSYLVANIA,
Harrisburg, March 8, 1911.**

PENNSYLVANIA, ss:

I hereby certify that the foregoing and annexed is a full, true, and correct copy of certificate of nomination substituting Henry W. Palmer as a candidate of the Prohibition Party for the eleventh congressional district of Pennsylvania in place of Agib Ricketts, withdrawn, as the same remains on file in this office.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed the day and year above written.

[SEAL]

ROBERT McAFFEE,
Secretary of the Commonwealth.

(Marked "Contestee's Exhibit C.")

Mr. LEAHAN. These offers are objected to as immaterial, incompetent, and irrelevant.

WILLIAM S. MCLEAN, Jr., recalled by contestee:

Examination by Mr. JONES:

Q. There was a check yesterday to which I did not call your attention; check No. 3855, dated January 9, 1911, payable to the Wilkes-Barre Watcher Democrat, campaign delivery, \$8. Was that check included in your account?—A. No; that check was in payment of a bill of the Democratic watcher, which was incurred by some one in connection with the Democratic committee, but which we didn't know a word about, and it was not brought to my attention until along in January, 1911.

Q. I direct your attention to the stub of check No. 3838. When we examined that check yesterday the writing which is visible in pencil was not there. When was it put on?—A. Now, look here. Ask me if the writing was there first. Don't say to me that the writing was not there.

Q. We all agree?—A. Whether you agree or not.

Q. Was it there yesterday?—A. The writing was put on that stub when the check was drawn.

Q. When was that?—A. The date of the check; along in 1911.

Q. I wish you would look at that check and tell me when that writing was put on that stub.—A. January 16, 1911.

Q. I wish now you would read the writing on the stub, please.—A. G. R. McLean.

Q. First, what is the date of the stub?—A. The stub bears no date, but the stub immediately preceding bears the date of January 3, 1911, and immediately succeeding, January 3, 1911. My recollection is that the check was drawn but was not delivered to my brother for 10 or 12 days after it was drawn.

Q. Now read the rest of the entry on the stub, please.—A. "G. R. McLean, election expenditures, paid out \$3,503.22; loan, George, \$1,000; ditto, Mary, \$18. Total, \$4,521.22." Then on the edge of the stub, "Loan, \$5,000; \$4,521.22 subtracted, balance, \$478.78. Paid out \$8 to Democratic watcher. Balance, \$470.78." On the stub is the amount \$478.78, the check is \$478.78.

Q. How are the entries written on the stub, with what?—A. The stub is written entirely with a pencil.

Q. I show you the check which corresponds with the stub.—A. Check 16, 1911. Do you want the formal part of it.

Q. No.—A. Payable to George R. McLean, \$478.78. Signed, William S. McLean, jr. Endorsed, George R. McLean. Cut "Paid" at First National Bank, January 17, 1911.

Q. Where did you make this check out?—A. In the office.

Q. Did you have your check book with you at the time you paid it out?—A. The check was drawn in the check book.

Q. Why do the entries on the stub appear in pencil?—A. As I remember, the check was drawn by me to my brother and was subject to some one or two little additions or advances which I made to his family during his trip South, and as a result it was not drawn in ink until I was sure of the amount to be drawn.

Q. Did you make out the check—did you do the writing on the stub on the date shown on the check; January 16?—A. No; I think the writing was done

on the stub about the date of the preceding and succeeding stubs, January 3, 1911.

Q. When did you write the check out?—A. The check was drawn on January 16, 1911.

Q. Then was the check torn from its stub at the time you made the entry on the stub?—A. It was delivered—no; it was torn from the stub and delivered on the date it was written in ink.

Q. That was January 16?—A. Yes; I should say that was the case.

Q. On the date that the check was written in ink?—A. Yes.

Q. At the time you made the entry on the stub, did you make any entry at all upon the check?—A. No.

Q. So that the check remained blank until January 16?—A. The check remained blank until subsequently filled out. I may have written the name "George R. McLean" in, but I didn't date or sign it or put the amount in until it was delivered.

Q. I wish you would look at the check. From the appearance of it doesn't it indicate that it was all written at the same time?—A. Very likely it was.

Q. This check was given for what purpose?—A. To balance mutual accounts between my brother and myself.

Q. Some time in February, 1910, your brother, during your illness, had met an obligation of yours at the Lehighton Bank for \$5,000?—A. That is right.

Q. And naturally you owed him \$5,000?—A. Yes.

Q. That was in February?—A. February 28, 1910, as I recollect.

Q. It was paid by your brother's check?—A. That is my recollection.

Q. Did you pay your brother \$1,500 of that amount in three \$500 checks?—A. No.

Q. Did you pay \$1,500 of that \$5,000 to your brother prior to the primaries?—

A. \$1,500 of it prior to the primaries; no.

Q. Did you pay \$1,500 of that \$5,000 prior to the election?—A. No.

Q. How much of that \$5,000 had you returned to your brother prior to the election?—A. Well, I think—of that specific \$5,000, I won't say that I returned any of it to him as a part payment of that. I loaned him back \$500 on one occasion.

Q. That was the occasion which you referred to yesterday?—A. No; before that I loaned him \$500; we will say during the summer; I will show you the check for the amount later, as soon as I can get it from the bank.

Q. That check doesn't appear in this bank book?—A. No; that is drawn from my real estate account; what I call my special account.

Q. When did you make the next loan to him?—A. The second loan was made—that was for \$835, as I recollect that; \$835 was in payment of a lot I had sold for him and \$500 was a loan.

Q. Wasn't that \$875?—A. I think it was; yes.

Q. Then that made a thousand that you had loaned your brother?—A. Yes.

Q. Did you pay him or loan him any more before this check was drawn?—A. No. Well, I loaned, as that check shows there, while he was South; there is a little matter there—that is a household matter.

Q. That is a family matter?—A. Yes.

Q. And this was entered on the check?—A. Yes; but that statement as drawn there was subject to the deduction of \$13.48, which I have charged in his account; the item of moneys advanced to my brother for a trip to Conyngham, which I subsequently decided to pay myself, and not to put in the settlement with him.

Q. At the time you put on your check stub in pencil the item of \$8 to the Democratic watcher, had that been paid to the Democratic watcher?—A. I couldn't tell you. It seems that the Democratic watcher account was brought to my attention around about that time, and at that time I made an entry on the stub, but in drawing the check I seem to have disregarded the watcher account.

Q. You have made an actual balance on the stub of this check, in pencil, showing a balance of \$470.70, have you not?—A. Yes.

Q. And in the figure column of the stub you have carried out the sum of \$478.70?—A. Yes.

Q. And you made out the check to that amount?—A. Yes; the \$8 difference was the check to the watcher, which apparently was not included in the check, but I figured it on the stub.

Q. Your check was paid to the Democratic watcher, according to your check, on January 9?—A. Yes.

Q. And you say you made out this stub on January 3?—A. Yes.

Q. Then you knew about the obligation to the watcher on January 3?—A. No; I made out a part of the stub there on January 3, and subsequent to that the watcher account was brought to my attention and I then subtracted that from the original total; but apparently, in carrying it into the column of my check book I disregarded it and drew the check for the first amount.

Q. Now, the first entry on this stub is "Election expense, \$3,503.22"?—A. Yes.

Q. How did you arrive at that?—A. That \$3,503.22 is the difference between the account that I filed and the item of \$13.48 which, as I stated before, was on the account of expense of brother Percy, but which I subsequently concluded to bear myself.

Q. Your account as filed in the clerk of the court's office shows expenditures as treasurer for your brother of \$3,516.30, doesn't it?—A. That is correct.

Q. But when you came to settle up with your brother you only charged him for \$3,503.22?—A. Whatever amount is on that stub.

Q. And that was arrived at by deducting \$13.48 from the \$3,516.30?—A. Correct.

Q. That obligation you met yourself?—A. Yes; I paid that.

Q. The obligation of the \$8 to the Democratic watcher you met yourself?—A. Yes.

Q. Why didn't you charge the item of \$20 you paid Pat Finn?—A. In the account?

Q. Yes.—A. I overlooked that in making up my account.

Q. When you came to settle with your brother why didn't you charge him with that?—A. I overlooked it in his statement also. I took the account as I filed it in court and deducted the item which I paid my brother for his expense money and charged him with the balance.

Q. Why didn't you include in that settlement with your brother the item of \$10 contributed to J. C. Hoover?—A. He had already paid me that in the summer of 1910.

Q. He had already paid you that?—A. Yes.

Q. Did you see his account after or before it was filed, after it was prepared?—A. I very likely did.

Q. You filed it, didn't you, after he had gone South?—A. I can't tell you exactly, but I likely filed the account for him. That is to say I carried the account from his hands to the clerk of the court's office very likely.

Q. Why didn't you include in the account to your brother the amount you had spent in Forty Fort borough?—A. That clearly escaped my mind; and at this time I am not prepared to say that I spent any money in Forty Fort borough. It occurs to me that on the night before election I arranged for a watcher in Forty Fort and Dorranceton. It is not clear to me, and I have nothing to show for it and a very indistinct recollection of it.

Q. Why didn't you include in the account, when you settled with your brother, the money you paid Sonip and Williams for watchers?—A. Because, as I said, the account which I had stated and filed was the account upon which I charged him for disbursements.

Q. Then in addition to the \$13.48 and the \$8 paid the watcher you assumed the obligation personally of \$20 paid to Finn and \$5 to Sonip and \$5 to Thos P. Williams, and if any money were paid to any other persons you also assumed those. I have reference now to Forty Fort?—A. I assumed unwittingly the obligation of the money paid to Pat Finn. It was a clear case of oversight. The item of the Democratic watcher I had intended to charge against that check but overlooked it. The other two items which you refer to escaped my attention in casting a balance with my brother, because they were not in my account as filed in court.

Q. Now, about this \$500 which you paid to your brother, or rather loaned him, that was drawn from what you call your special account?—A. Yes.

Q. What is that account?—A. That is an account upon which I deposit frequently real estate moneys, which arise from the sale of lots for A. McLean estate, and moneys which are received for lots and which are to be distributed subsequently.

Q. There are heirs of your grandfather's estate other than your father, are there not?—A. Yes.

Q. Do you pay them money out of this special fund?—A. There has been a distribution of the A. McLean estate. If I sell a lot for one individual I remit to him. Sometimes I put the money into this account if it is not to be re-

mitted at once, and frequently, if it is to be remitted promptly, I place it in my personal account and check it out.

Q. This special account shows frequent deposits of large sums of money; don't it?—A. Yes.

Q. Directing your attention to the year 1910, I will ask you to read from your deposit book showing the special-account deposits made by you in 1910 in that account.—A. The first deposit is May 27, 1910, \$3,200; June 30, \$3,500; August 1, \$9,600; October 3, \$3,400; November 17, \$1,900; January 2, 1911, \$30.

Q. The entry of October 3, 1910, of \$3,400; there is evidence of an erasure as to that date?—A. Yes.

Q. Do you remember what was there originally, and how it came to be erased?—A. It seems as if there had been "Sept." in there entered by the tell in the bank, and subsequently "Sept." was erased and "Oct." put in.

Q. You drew checks on this account?—A. It is a most inactive account, and I drew checks sometimes from the back of my personal check book, and sometimes from loose counter checks.

Q. Did you preserve them?—A. If you will refer to the bank book and let me know when it was last balanced I will tell you what checks I have. It was balanced in October, 1906. And in October, 1906, I received the checks drawn up to that time on that account and I believe I have them filed away. The checks drawn subsequent to that time are in the hands of the bank.

Q. Are the checks which you drew on this account for 1910, up to date, in the keeping of the bank?—A. They are in the keeping of the bank, and if the books are balanced I will get the checks.

Q. Are these checks produced in sequence?—A. They bear a common number.

Q. Will you produce them?—A. Yes.

Q. The first \$500 you say you loaned your brother was taken from this account?—A. Yes.

Q. How did you get that back in this account?—A. The first \$500. That account frequently carries large sums of money, and sometimes small sums of money. I drew that from the special account, against the balance which it owed me.

Q. How would it owe you money? For services?—A. Yes. I usually deposit the amounts received—if it is a loan it includes my fee, and if it is a real estate sale it includes my commission, for services.

Q. Then the \$500 you withdrew from this account in the summer of 1910, and loaned your brother was your own personal money?—A. It might be considered so.

Q. Well, was it?—A. It was drawn against a fund which I carry there as "special" and very likely I had that much credit in the account.

Q. Have you ever ascertained whether or not you had that much credit in the account?—A. The account has never been overdrawn.

Q. Have you any record showing how much the account owed you for services?—A. I might figure it out by going back for a number of years. I think I figured the balance and drew it out and used the money, that is my recollection.

Q. Did you draw any other money in 1910, or this year, for your personal uses from this special account?—A. As I remember, along in the latter part of March or the early part of April it seems to me I drew down the balance of that account and placed it in my personal account, and that therefore closed it, so far as the balance was concerned. There was very likely an item that belonged to that account, but it was not deposited to that account at the time, and I gave my brother a check for \$875 out of my personal account. Instead of depositing the \$500 over into that account I deposited it directly to my personal account, but in taking it out I checked it as against the special account.

Q. Then you drew out of this account during the last year or two, we will say, two \$500 sums?—A. No; I drew directly on that account one \$500 check.

Q. That was in the summer of 1910?—A. As I recollect that, and in the fall of 1910 I drew a check of \$875 on my personal account and stubbed it \$500 on the special account because I had probably \$500 to deposit in that account, and deposited it at the same time and took it out in that way.

Q. That \$500 belonged to the special account?—A. Yes.

Q. Then you gave your brother two sums of \$500 each out of that special account?—A. It came out of funds belonging to that special account, but only one was drawn directly on it.

Q. And in the other account, instead of depositing the second \$500 in the special account and then withdrawing it, you deposited in the first instance to your personal account and drew from that?—A. Yes.

Q. But, of course, it was money belonging to the special fund?—A. In the first instance the money came from probably a fund which would have gone into the special account.

Q. Was that the second \$500 you loaned your brother, that money?—A. It was my money. As I so understood, I was the custodian of that.

Q. Have you since returned that to this special account?—A. Oh, yes.

Q. When?—A. It has gotten in there by various deposits, I believe. I balanced the account and took out the balance due me, but I don't know just what it was really, over \$100; when I balanced my book a little over \$100 was due me and I took it out and placed it in my personal account; I was going away on a pleasure trip.

Q. This second sum of \$500 which went to make up the sum of \$500 and \$500 or the \$1,000 that was loaned by you to your brother was included in this check of \$875 drawn on the 15th of August, wasn't it?—A. Yes.

Q. That was in the middle of the summer?—A. Yes; the latter part of the summer.

Q. You say you paid the first \$500 in the middle of the summer?—A. That is my recollection. Before answering that definitely I would ask to see the check; it shows when it was drawn.

Q. And you will produce the check at the next hearing?—A. Yes.

Q. Did you draw any checks out of your personal account for Alexander McLean's estate?—A. I sometimes draw their tax check out of my personal account, because I then make a requisition on the different heirs to pay the assessment.

Q. Do I understand you to testify that this estate of your grandfather having been divided by a proceeding in partition, when you make a sale of a lot you deposit that money in a special account and deal it out to a particular heir?—A. Sometimes it goes into that account; if it is to be held for any purpose whatever, it goes in there. If I want to check it out at once I keep it in my personal account.

Q. So that then some of the funds of the Alexander McLean estate do get into your personal account?—A. Yes.

Q. I note your check for \$1,015 to Mrs. McLean, who is the widow in the Alex. McLean estate, that was drawn from your personal account, wasn't it?—A. Yes; the money is raised by assessment—there is a portion of the McLean estate, west of Carey Avenue, which has not been partitioned.

Q. What is known as the Norton farm?—A. Yes.

Q. You say on the night before election you went to the borough of Swoyersville?—A. Yes.

Q. Who accompanied you?—A. I went in an automobile and John Sonip went with me to the house of Miller.

Q. Did any one accompany you in the automobile from Wilkes-Barre?—A. There were others in the auto. It seems to me that Hugh Price was there, but I am not positive.

Q. Who is Hugh Price?—A. He is a man employed by the Stegmaier Brewing Co., and a friend of mine.

Q. Did he make the trip with you by arrangement?—No, it happened that I took the automobile from the Democratic headquarters and Hugh Price, who is a member of the Democratic League, that has rooms in the same place, stepped in the automobile with me.

Q. Whose automobile did you have?—A. One belonging to Mrs. Geo. J. Stegmaier.

Q. Was it placed at your service or hired by you?—A. I requested them to permit me to use their auto for that evening and they did so.

Q. Of course you didn't pay for it?—A. There was no charge for it. They are close friends of mine and were glad to let me have it, I guess.

Q. Where did you first go in that auto trip the night before election?—A. Went directly to Swoyersville, went up Wyoming Avenue. I went right up Wyoming Avenue to the Maltby Road and over to Swoyersville.

Q. Who did you first see in Swoyersville?—A. John Sonip.

Q. Who is he?—A. A client of ours.

Q. What business is he in?—A. He keeps a hotel in Swoyersville.

Q. And then he accompanied you to the home of Squire Miller?—A. I didn't know where Miller lived and I went to Sonip's house for the purpose of finding out and he then accompanied me to Miller's house.

Q. Do you know John Puynton in Swoyersville?—A. No.

Q. Didn't you visit his home the night before election?—A. No.

Q. Did you see him in Swoyersville the night before election?—A. I never saw him and never heard his name before.

Q. Did you visit any other places in Swoyersville than the places you have testified to?—A. John Sonip's house and Squire Miller's house.

Q. Did Hugh Price, to your knowledge, employ any watchers in Swoyersville on behalf of your brother?—A. No.

Q. Do you know Dave Walsh of Swoyersville, the mine boss?—A. I never heard his name before.

Q. Do you know who paid him for being at the polls and working on election day for the Democratic ticket?—A. I never heard his name and never heard of his being about there.

Q. You know Squire Hayden's district in Swoyersville; he is principal of the public school?—A. No.

Q. Did you visit any other district in Swoyersville that night?—A. I don't know the confines of the three precincts of Swoyersville.

Q. Did you offer Squire Miller any money that night?—A. No; I asked him to obtain poll men for me in the three districts.

Q. Then you believed that it was necessary to have poll men in the three districts of Swoyersville?—A. I did.

Q. And Miller told you that he had received money from Davis to employ poll men on behalf of the Republican ticket?—A. I didn't say that.

Q. At all events he refused to accept any money from you or to employ any poll men for you?—A. Miller told me he had received money from Jonathan Davis and therefore couldn't obtain poll men for me.

Q. And he refused to obtain poll men for you?—A. He expressed his regret and said that he was sorry he couldn't do it.

Q. Then who did you leave to obtain poll men in Swoyersville for you?—A. Miller said, "Sonip can get you poll men as well as I can," and I walked out and asked Sonip to do it.

Q. How many did you ask him to get?—A. I asked him to get poll men in the borough of Swoyersville.

Q. Did you give him any money?—A. I gave him no money, but told him to get two poll men in each district.

Q. When did you next see John Sonip after that?—A. I didn't see John Sonip in that connection until along in December, as I recollect.

Q. When did you first see him after that in any connection?—A. Well, he might have called on me in connection to obtaining his license prior to that.

Q. He wouldn't call on you until the latter part of December at least, would he, for that purpose?—A. I could not say. It seems to me that Sonip called on me around about that time. Whether it was after or before he came to me about the one poll man, I couldn't say.

Q. Having given this man authority to employ poll men in each of the precincts of Swoyersville borough, before filing your account, didn't you call him up and ask whether or not he did so?—A. When I asked Sonip to obtain poll men in the borough of Swoyersville it was a sort of a last chance request, because it was then quite late and I merely asked him to employ poll men on the say so of Miller.

Q. Nevertheless, it was a definite authority to him to employ these poll men?—A. It was a request.

Q. Why didn't you ask him before filing your account whether he had spent any money for poll men?—A. It was made at a time I was in a hurry and it didn't occur to me again.

Q. You were not handling your brother's campaign in a haphazard manner, were you?—A. At that eleventh hour to obtain poll men from a man whom I hadn't spoken to before was a rather haphazard thing.

Q. Nevertheless the request was definite in your memory?—A. It was some time after I filed my account when he asked me for the money, that I remembered asking him to obtain poll men.

Q. That was after you filed your account?—A. Yes.

Q. Did he give you the name of the man he employed?—A. Does the name appear on the stub?

Q. No.—A. I don't think he gave me the name.

Q. Where did you next go on that auto trip on the night before election?—
A. Came back to Democratic headquarters.

Q. Didn't I understand you to say that you had some reasons for believing that you had stopped at Dorranceton and Forty Fort?—A. No.

Q. What did you say a few minutes ago about that possibility of having employed one watcher on the night before election for Forty Fort or Dorranceton?—A. After I returned to Democratic headquarters I had an appointment with Ed. Moore, the chairman, and Will Butler, the city chairman, and after transacting that business and talking matters over there until a late hour it seems to me that some one from that district, Forty Fort or Dorranceton, said that they could employ a poll man to our advantage in that locality, and it seems to me that I advised him to do so.

Q. Don't you know his name?—A. My recollection is—well I can't tell you who it is. It seems to me it was some storekeeper over there.

Q. But you have no idea what his name was?—A. No.

Q. And you don't know whether it was in Dorranceton or Forty Fort borough?—A. It was in that neighborhood; they are practically the same thing.

Q. Dorranceton has four and Forty Fort has three wards; isn't that a fact?—
A. I believe it is.

Q. So that you only employed one poll man for the seven wards?—A. That is all he said he could look after.

Q. Didn't you ask him to look after any other wards for your brother?—
A. No; I didn't count on him; he was one of those self-presented assistants.

Q. Were there many such during your campaign?—A. No.

Q. Do you mean to say that you didn't have occasional visits from men who sought to be appointed as watchers in various districts?—A. Well, there were a number of men who came from Jonathan Davis's office to the Coal Exchange Building, and I passed them out very summarily.

Q. Did you dispose of them by the payment of any money?—A. No; they went back to Jonathan Davis for their money.

Q. But they wanted to get money from you and couldn't get it, is that right?—A. That is right.

Q. A man named Morgan, from Glen Lyon, stepped into your office, and you didn't dispose of him so summarily, did you?—A. I employed watchers in Newport Township through Geo. L. Morgan, and Geo. Morgan came to my office, having been invited to do so by a friend of mine.

Q. Do you say that Morgan came to your office by appointment of some friend of yours?—A. He was requested to come there by a friend of mine.

Q. Who was the friend?—A. I am not prepared to say.

Q. Is it because you don't recollect who the friend was, or that you don't want to use his name?—A. I don't care to give his name.

Q. Does he live in Glen Lyon?—A. I don't think he does.

Q. Had you ever seen Geo. L. Morgan prior to the time of his coming to your office?—A. I don't remember ever having seen him.

Q. What did your friend tell you about Morgan before he sent him?—A. He said he would be a good man to employ poll men for me about Glen Lyon, and I asked him to do so, and Geo. L. Morgan came in response to that.

Q. Didn't you know that you already had \$100 in Glen Lyon through Con Gallagher?—A. I didn't know that I had, no. I didn't know that he received any money, and he never received any from me.

Q. You and John Moore had charge of the \$2,500 placed in the hands of E. J. Moore?—A. At our direction.

Q. Did you at any time direct E. J. Moore to pay Con Gallagher \$100?—A. I gave that district over to the care of John Moore.

Q. Who was the district chairman for the Glen Lyon district?—A. That was a matter handled by John Moore entirely.

Q. Do you know Richard B. Sheridan, a member of this bar?—A. Yes.

Q. Don't you know that he was chairman of the district?—A. Richard B. Sheridan was chairman for Good, the Democratic legislative candidate down there, and it seems to me he took charge of some part of that district.

Q. You know that he had money and was supposed to put poll men in the various polling districts of the district, don't you?—A. I don't think he had sufficient to cover the entire district.

Q. How much money had he, to your knowledge?—A. From the fund which was jointly subscribed he received \$620, I think it was.

Q. How many voting precincts in his district?—A. I am not prepared to say.

Q. There are not 50, are there?—A. I don't know that there are, but I don't know that there are not.

Q. There certainly are not 62?—A. I can't say.

Q. If there were less than 60 voting precincts in his district, and he had \$620, them of course it naturally follows that he had enough to pay the poll men down there?—A. Unless he employed more than 62.

Q. And you had put out some money for that district on the recommendation of a friend?—A. Yes.

Q. Where was George L. Morgan to employ these men?—A. In Glen Lyon.

Q. Did you know how many voting districts or precincts was in Glen Lyon?—A. It was in that neighborhood. Glen Lyon, I think, constitutes one district of Newport Township.

Q. As a matter of fact, the district from which or over which Sheridan was chairman was the fourth legislative district, and includes 44 polling places, don't it?—A. Yes.

Q. I wish you would look at the Wilkes-Barre Record Almanac and see if that is so?—A. Well, I haven't counted them up, but believe it is 44, if you say so, but there is a portion is a country district.

Q. Had you known Morgan prior to the time you gave him that money?—A. I think I never saw him before.

Q. Did you know his occupation?—A. No.

Q. This account of yours shows a payment of \$100 to R. Devers; what was that paid for?—A. Roger Devers was to obtain poll men in the first district—special poll men.

Q. Where does the first legislative district run?—A. Freeland.

Q. Freeland?—A. I believe so; in that vicinity.

Q. Where does Roger Devers live?—A. Freeland.

Q. Don't you know that he is a practicing attorney at this bar and lives in Wilkes-Barre?—A. Yes; but his home is in Freeland.

Q. Don't you know that he votes here in the city of Wilkes-Barre and has for years?—A. He may have his washing done here and vote here, but I believe he maintains his home there, and I believe he goes down every Saturday night.

Q. Where was he to spend that money?—A. He was to employ special poll men throughout the first district.

Q. That is some 20 miles from Wilkes-Barre?—A. Yes; thirty-odd miles.

Q. Did he employ poll men as directed by you?—A. I subsequently learned that he failed to employ the poll men and returned the money, but I don't know if that is so or not.

Q. To whom did he return this money?—A. I believe he returned the money to my brother George.

Q. When?—A. I don't know.

Q. When were you informed that he had returned this money?—A. I don't know just when I was told about it, but it was subsequent to the time I filed my account.

Q. You have just returned from a trip South?—A. Yes.

Q. When did you start on your trip?—A. March 4.

Q. You knew of his returning of it prior to March 4, didn't you?—A. I can't tell you just when it was that I was advised he had returned the money.

Q. Who advised you?—A. Brother George.

Q. What did your brother George say to you about this money which was returned by Devers?—A. He said the money which Devers received from me had been returned.

Q. To whom?—A. My recollection is that he said he received it.

Q. You have only been home from your trip about 10 days, have you not?—A. I returned April 5.

Q. And of course if you received this information since your return it would be fresh in your recollection as to the time you received it, wouldn't it?—A. What is the question?

Q. If you received this information from your brother about this money being returned—if you received that information since your return from the South, that would be fresh in your recollection?—A. We talked the matter over since.

Q. When was it that you talked it over?—A. Night before last.

Q. How did you come to talk the matter over?—A. I was putting my checks back in my book for your convenience and we—

Q. Did your brother tell you then about Devers?—A. He told me then, but he had told me before.

Q. He told you then before you went away?—A. I presume I knew of it then.

Q. You didn't learn of it on the trip?—A. I got no word as to that at all, but I was not much interested, I was mostly interested in your health.

Q. You didn't go South for my health, did you?—A. No; and you haven't the benefit of it either.

Q. Did you know of the return of this money prior to your leaving for your trip South, on March 4?—A. I couldn't say.

Q. What is your best recollection?—A. I couldn't say whether it was before or after.

Q. You filed your account on December 8?—A. Yes.

Q. And you didn't leave until March 4?—A. No.

Q. Some three months intervened between the filing of your account and the date of your leaving? Didn't you hear it in all that time?—A. I couldn't tell you whether I did or not. I have not taken any special time off in connection with this affair until within the last day or two.

Q. Have you seen Devers since your return?—A. He was in my office yesterday afternoon.

Q. In your office?—A. Yes.

Q. Did you ask him about the return of this money?—A. No, not a word.

Q. Subsequent to your giving him the money, did he at any time come to you before you left on March 4, and return the money or offer to return the money to you?—A. I never, so far as I can recollect, have had a word to say to him in that connection.

Q. Then you are positive that Roger Devers, prior to March 4, at no time ever returned this money to you?—A. Not to the best of my recollection.

Q. How did you pay him this money?—A. The money was paid to him in cash, I think.

Q. Where?—A. In my office.

Q. When?—A. I can't tell you just when, around some time before election some time.

Q. Devers says it was the Monday before election, is that so?—A. Probably it was.

Q. Where did you get that \$100. Did you take it from the bank for the purpose of paying him, or was it from funds coming in to you?—A. If you wish me to go into the various sources of my income—

Q. I didn't say anything of the kind. Will you tell where you got the money to make this \$100 payment to Roger Devers?—A. I couldn't specify where that came from, except that I am continually receiving fees in cash from the practice of law, and receive moneys on mortgages as interest and cash payments on lands under contract and cash for loans, and so on.

Q. Was this \$100 that you paid him out of the \$400 which you withdrew from the bank the day before election?—A. No.

Q. It was not?—A. I think not.

Q. How did you fix on the sum of \$400 as necessary to be drawn for you, if you had other money in your office?—A. I was practically without any current funds at the time I drew the check.

Q. Had you seen Roger before you became so?—A. It seems to me that I gave Roger that money some time prior to election, but just when it was I can't say.

Q. Didn't you give it to him on the morning before election?—A. It may have been, or it may have been the previous week, I can't say when I gave it to him, I think it was within a week before the election.

Q. Did you pay Thos. P. Mackin \$30 to be used in the sixth legislative district?—A. I couldn't tell you if I didn't pay him by check or paid him by cash.

Q. Do you have any recollection as to where you paid him?—A. In my office.

Q. So far as I am able to ascertain there is no check to Thos. Mackin. So it must have been in cash?—A. Then he received it in cash.

Q. You have yourself charged with \$20 paid to J. J. Murray, to be used also in the sixth district. How did you pay that to Murray?—A. My recollection is that I paid him partly by check and partly in cash at two different times.

Q. Why did you make this in two payments?—A. The first was to employ poll men in one vicinity, I believe, and subsequently to employ poll men elsewhere; he said he would, and I gave him the money to do so.

Q. Do you recollect where he said he would first employ poll men?—A. On the west side, the sixth district.

Q. Do you recollect particularly the locality?—A. I don't recollect, but it seems to me that it was Wyoming or West Wyoming.

Q. You gave J. J. Murray in your office \$20 in cash at one time, did you?—A. I think I gave him \$10 at one time and a check for another time of \$10; that is my recollection.

Q. You have no recollection of giving him \$20 at any one time in cash?—A. No.

Q. Do you know where he expended that money?—A. I think he employed poll men in West Wyoming or Wyoming, or in that vicinity, but just where I don't know.

Q. You paid C. M. Honeywell \$90, for which he was to employ, in accordance with your check stub, poll men in 13 districts. Do you recollect what those districts were?—A. For the most part the country precincts of the sixth district.

Q. You say for the most part. Do you recall any other locality in which he was to employ poll men outside of the rural districts?—A. He was chairman for the sixth district, and my recollection is that he said he would take care of 13 precincts, but which they were I am not prepared to say.

Q. Do you know Squire Wynne, of Inkerman?—A. No.

Q. Did you pay him any money?—A. I don't know him; I never saw him.

Q. You know Thomas W. Morgans, of Plymouth?—A. Yes.

Q. How much money did you pay him?—A. None.

Q. Did you see him in your office at any time prior to the election?—A. I have seen him; yes.

Q. But you paid him no money?—A. No.

Q. Did you talk to him about paying him any money?—A. I don't remember having talked to him about paying him any money.

Q. Was he in your office on political business?—A. He made a friendly visit.

Q. Has he been in the habit of coming to your office on friendly visits?—A. I don't know that he has.

Q. This friendly visit was about election time, wasn't it?—A. No; before election.

Q. How long before?—A. I couldn't tell you.

Q. Did he evince an interest in your brother's campaign?—A. Oh, he was one of a number—hundreds. I would say—who hoped that he would win.

Q. Did you ask him to work for your brother?—A. I don't remember that I specifically asked him to work for him.

Q. Do you know how he came to come to your office?—A. I could not say.

Q. What did he say to you when he came there?—A. I can't remember.

Q. He lives in the borough of Plymouth, don't he?—A. I believe so.

Q. He is a prominent Republican there?—A. I don't know what his politics are.

Q. He was formerly tax collector of the borough?—A. I don't know that.

Q. Do you know William Harris, of Parsons?—A. I know a man named Harris.

Q. What is his occupation? A. I don't know his occupation.

Q. I refer to the gentleman who is the outside superintendent of the D. & H. Coal Co. for the district from La'lin on the north to Plymouth on the south.—A. I know the man.

Q. Did you see him during the campaign?—A. I saw him within a week before the election I believe.

Q. Where?—A. I couldn't tell you where I saw him; I don't know where it was.

Q. Was it at your office?—A. It may have been.

Q. Wasn't it at your office? Refresh your recollection.—A. I can't tell you. I visited Parsons and Miners and around there several times, but I will say it was very likely at the office.

Q. How did he come to come to your office?—A. God knows.

Q. Did you talk politics to him?—A. Very likely.

Q. Was that the object of his mission to your office?—A. I can't say.

Q. Do you recall any other mission he might have there?—A. I can't say. He probably came in there as a friend, as a number of others did.

Q. You didn't know William Harris prior to this election?—A. I think I saw him to know who he was, but I didn't know his name—that it was William.

Q. Did you ask him to support your brother?—A. I don't know, but if we talked over politics I supposed he would be friendly.

Q. Can you give any reason as to why he came to your office, if it was not on a political mission?—A. I had no business relations with him.

Q. Who was there at the conference you held with him?—A. I couldn't tell you that.

Q. Was Paul Bedford there?—A. There is a chance of Paul being down there, or Ned Shortz, or most anybody whose office is close by.

Q. Have you any recollection of Paul Bedford being in your office at the time that Harris was there?—A. No.

Q. Did you suggest to Harris that you would like to have poll men employed in Parsons?—A. No. Oh, I may have said that I would like to have poll men employed in Parsons.

Q. Why did you say that to him?—A. He probably asked me what the situation was, if we talked politics, and I probably said I intended to employ poll men.

Q. You know that you talked politics to him, don't you?—A. For a week before election I talked little else.

Q. You talked politics to Harris?—A. Very likely.

Q. And you talked about the employment of poll men to him?—A. Not that he should.

Q. Why were you discussing the employment of poll men with him if you didn't want him to arrange to employ them?—A. I talked about politics and poll men and political condition with almost every one I met in connection with the election and about men in their vicinity.

Q. You knew that Harris was a man of political influence, didn't you?—A. I don't know that either.

Q. And didn't you seek his influence?—A. I would like to have as many friends as I could under the circumstances.

Q. You were doing everything that you legitimately could to further your brother's campaign?—A. Certainly.

Q. And of course you didn't miss an opportunity to ask Harris to support him?—A. I likely used that trite, worn-out expression, I would be very glad if you can do anything.

Q. What answer did he make?—A. He probably made the trite answer, that he would be glad to.

Q. Was there anything else passed between you that was not so trite—any money, for instance?—A. He didn't get any money; no.

Q. Do you know Samuel R. Morgan?—A. Who lives on the hill; yes.

Q. I refer to the general inside superintendent of the D. D. & H. Coal Co.—A. I know Samuel R. Morgan.

Q. Did you see him during the campaign?—A. I think I saw him casually two or three times.

Q. Was he at your office?—A. I don't know that I ever saw him at the office.

Q. Where did you meet him?—A. I met him several years ago and I have known of him for a number of years.

Q. Where did you meet him during the campaign?—A. I can't say.

Q. Have you no recollection of meeting him at all during the campaign?—A. He may possibly have been in the office or I may have met him around on Market Street, or some place, or around the Democratic headquarters, or in that vicinity.

Q. Morgan is a Democrat?—A. I don't know what his politics are, but I believe he is a Welsh Democrat—one of the few.

Q. Did you talk politics with Morgan?—A. In a casual way; yes.

Q. You naturally asked him to help your brother if possible?—A. I asked every man I saw.

Q. Who employed the poll men for your brother's campaign in Parsons Borough and Plains Township?—A. There was some money given by me to Geo. Russ and he was to employ poll men in the old fifth district, now the third district. I also asked Jim Judge if he would employ poll men in his vicinity there, and gave him some money for that purpose.

Q. But no money went to Morgan or Harris?—A. None from me.

Q. And you don't know that Harris employed any poll men on behalf of your brother in Parsons Borough?—A. I don't know that he did.

Q. You have heard he did?—A. No.

Q. You traveled around a good bit during the campaign?—A. Yes.

Q. Do you remember how many places you visited, how many towns?—A. No.

Q. You have already testified that you visited Miners Mills, Parsons, and Plains on several occasions?—A. Yes.

Q. You were at Duryea, were you not?—A. I was at Duryea at the taking of depositions in this case, but no other time.

Q. Not prior to the election?—A. No.

Q. What other town were you in, to your recollection, during the campaign, prior to the election?—A. Well, I probably had been in Nanticoke, Glen Lyon, Plymouth, Kingston, Edwardsville, Larksville, Pittston city and Pittston Township, Jenkins Township, and I don't remember much of anywhere else.

Q. Did you visit any hotels on your trip?—A. I probably stopped at hotels. I never was out over meal time that I remember.

Q. Whether it was meal time or not, did you go into any so-called saloons?—A. I drank a glass or two of beer, perhaps, during the day.

Q. I have more particularly in mind the buying of beer for others?—A. No.

Q. Because I don't believe you drank much yourself. Did you buy any beer for any other people on your trips?—A. If anybody was with me I probably bought them a drink, and they may have bought a drink in return for me.

Q. You struck a pretty good class of politicians. Could you give us any idea of the number of saloons that you visited during the campaign?—A. I can not.

Q. Was it many?—A. More saloons during that period than I ordinarily visited; that is all I know.

Q. Well, not knowing your record we are absolutely unable to judge as to the number that you visited.—A. Probably every town or village that I went in I would go in a hotel or hotels.

Q. Did you buy drinks there in furtherance of the campaign?—A. I bought drinks on account of a thirst which developed around that time.

Q. And you bought drinks for the people about the hotels, didn't you? Wherever there were men in hotels or a bar you asked them to have a drink or a smoke or whatever they wanted?—A. I don't remember meeting numbers of people; my travels were principally in the daytime.

Q. Did you go into any hotels in the borough of Edwardsville where you did not find a crowd?—A. I didn't go into a hotel in Edwardsville.

Q. How about Nanticoke?—A. Nanticoke. I may have gone in one or two, but I don't remember meeting any crowd; they didn't know I was coming.

Q. There is a check, dated June 7, 1910, for \$15 for two poll men in Kingston Borough, and refreshments, \$5. Was that campaign expenses?—A. That was an expense of the primaries.

Q. That had to do with the primaries only?—A. Yes.

Q. I merely wanted to get it on the record that it was not for this campaign.

Mr. MCLEAN (contestant). You merely want to get "refreshments" on the record; we are onto your game.

Q. Is there any objection to buying refreshments? Where did you meet William Lavin, of Hanover Township, to pay him that \$50?—A. In the office.

Q. What was he doing or to do for that \$50?—A. Employ poll men in Hanover Township.

Q. How many districts are there in Hanover Township?—A. Five.

Q. Had you known him prior to that time?—A. Yes; I have known Lavin for a good period of time.

Q. Is he well acquainted in Hanover Township?—A. I think him sufficiently well acquainted to employ poll men in my behalf.

Q. Do you know anything about his political past or experience?—A. I know that he has had considerable experience in Hanover Township affairs.

Q. Did you know that he held office in Hanover Township?—A. He holds office.

Q. Held office?—A. I think he did in the past.

Q. Do you know that he still holds the office of tax collector in Hanover?—A. I don't think he does.

Q. On the morning after election you met Jonathan Davis?—A. Yes.

Q. And you said that Davis said to you that Bowman had been defeated?—A. He stated that George had been elected.

Q. And that both Quin and Bowman had been defeated? Well, when the paper came out the next morning it was very evident to you that Bowman hadn't been defeated, wasn't it?—A. It was still quite evident to me that if the returns were properly counted that George had been elected.

Q. Did you have any idea in your mind that the returns had not been properly counted?—A. None at that time.

Q. When did you get the idea that they might not have been properly counted?—A. Late that afternoon.

Q. That was Tuesday afternoon?—A. Wednesday afternoon.

Q. Then, with that idea in view, you employed counsel for your brother, didn't you, to attend the official count of the return of the vote?—A. I asked Ned Shortz to go up the next morning and observe how the judges opened up the returns of the vote.

Q. Who engaged A. C. Campbell?—A. I asked A. C. Campbell to represent us at the official count.

Q. And you were present during the greater part of the official count in court yourself, were you not?—A. I was.

Q. You and Shortz at least. You and Shortz had a list, such as were used by the official counters, and sat at a table in the court room, didn't you?—A. Campbell, Shortz, and I checked up on a list the sealed returns as they were opened and counted by the polling board.

Q. Isn't it a fact that either you or Shortz sat at a table and put down on a list, a printed list, which contained the name of each voting precinct, the vote as it was called out and recorded by the court?—A. We did for a period.

Q. And didn't you complete the list?—A. I think Shortz completed the list. I have never had a complete list.

Q. At any rate Shortz sat there during the entire time and completed the list?—A. Yes.

Q. And you were there during the greater part of the time scrutinizing the returns; if there was any apparent change or alterations on the face of them?—A. Yes.

Q. Did you or anyone on behalf of your brother make a request for a recount of any of the votes?—A. We determined at the early part of the count to take no exception at that time.

Q. When did you intend to take an exception?—A. At the proper time.

Q. What did you mean by a proper time?—A. Whenever it seemed to be prudent to do so.

Q. You meant by means of a congressional contest?—A. I am not prepared to say that a congressional contest was contemplated at that time, but we concluded not to take exceptions to the separate returns as they were presented.

Q. What did you mean a few minutes ago when you said you intended to take action at the proper time?—A. We concluded that we would take whatever steps were determined upon later.

Q. That was decided upon after a consultation in one of the jury rooms, wasn't it, adjoining the court room?—A. I would not be surprised.

Q. A consultation between Campbell, Shortz, and yourself?—A. Yes.

Q. And with that object in view you came back into the court room and Mr. Campbell withdrew formally such objections as you had made prior to that adjournment by you?—A. That is correct.

Q. And when was the election count finished in court and the result of the election officially determined?—A. Saturday of the week of election day.

Q. And the election was on November 8, wasn't it?—A. I believe so.

Q. And the Saturday following would be the 12th?—A. I believe noon time; they completed the count on Saturday.

Q. And the judges signed the official returns in a large book kept by the prothonotary for that purpose?—A. I believe there were several districts which had not been counted in their original order, to which exceptions were taken.

Q. They were all disposed of that morning?—A. I believe so.

Q. Were you there at the time?—A. No.

Q. You knew on November 12 the official determination of the result of the election by the court?—A. Around that time, I read the record as published of the official count.

Q. That evening?—A. Probably.

Q. And of course Shortz, who is not only a member of the bar, but a close personal friend of you and your brother, and who kept count, told you of the official result, of the official count as determined by the court?—A. Yes.

Q. On this same day?—A. I think I saw him, most likely, after court adjourned.

Q. When did you next see your brother after that Saturday when you learned of the official determination of the count by the court?—A. I couldn't tell you; I saw him frequently.

Q. Didn't you see him that very night?—A. Most likely.

Q. Did you tell him what the official count showed?—A. I guess he saw it in the newspaper.

Q. Did you discuss it with him?—A. I don't know as I did. My brother was quite ill and I discussed with him as little as possible about campaign matters.

Q. How long after the election do you recall discussing the results of the election with your brother?—A. I never had a good talk on politics with him until he returned from his trip.

Q. Didn't you discuss the contest with him at any time?—A. No.

Q. A probable contest?—A. Not up to that time.

Q. Did you discuss it with Mr. Campbell?—A. I don't think I ever spoke to Mr. Campbell in reference to a congressional contest until the early part of this year probably.

Q. So that at the time your brother left for Florida you and he had not had any talk about a probable contest?—A. As I said before, I avoided all matters having to do with politics in my conversations with him.

Q. Your brother was able to sit up and write checks during the latter part of November, wasn't he?—A. He did at his room, I think.

Q. And he was able to prepare his account, which he did in person, in his own handwriting?—A. I think he did.

Q. But even then you did not discuss politics with him?—A. No; I did not.

Q. Did he discuss with you his account before he handed it over to you for the purpose of filing?—A. Early in the campaign he told me the amount which he wished to provide for campaign expenses and that was all the conversation we had with reference to expenses.

Q. Did you make any examination, on behalf of your brother, as to the time within which a congressional contest would have to be started after the official determination of the election and its announcement?—A. Along in January the matter was taken up seriously after his return. I think it was the day before Christmas that he got back.

Q. How soon after his return did you first talk it over?—A. I couldn't tell you.

Q. Did you make any examination then of the law as to the time fixed for filing of notice of the contest?—A. I don't know who looked up the law, whether he did or I.

Q. And was that your first knowledge of the time fixed by the statute?—A. Probably it was.

Q. Was that your brother's first knowledge?—A. I don't know about that.

Q. Did you examine or look it up in his presence after Christmas?—A. I couldn't tell you.

Q. Do you remember how the question of the time came to be discussed by you and your brother?—A. No; I don't know that the matter of time was ever discussed by us. The expediency of a contest was discussed.

Q. Did you assist in drawing or preparing his notice of contest?—A. I don't think I did.

Q. Do you know who drew it?—A. I don't.

Q. Were you consulted in drawing it?—A. I don't believe so.

Q. Are you positive about that?—A. Well, as far as I know, I don't remember having drawn it up or having been consulted in reference to the dictation of the notice.

Q. If you had furnished your brother any of the facts set forth in the notice you would recall them, wouldn't you?—A. Well, it was a matter which I knew little of.

Q. You had been his active campaign manager, hadn't you?—A. Yes; but I didn't undertake to manage his campaign and also manage his contest; I knew nothing about a contest.

Q. Edward Moore was the regularly appointed county chairman, wasn't he?—A. Yes.

Q. Why didn't you pay all the money over to Moore for the payment of poll men, the regular poll men?—A. Because I had more time to handle the matters than Moore had. I proposed to give up my entire time for a period to the management of the campaign and Moore had his bread and butter to make.

Q. Who appointed you?—A. I was chosen to be treasurer, I believe, after a conference between Moore and brother George.

Q. A conference between E. J. Moore and your brother, George?—A. Yes.

Q. Were you treasurer of the Democratic county committee?—A. No.

Q. Whose treasurer were you?—A. Now, I say no; I received no moneys as Democratic treasurer, but I suppose I was really treasurer of the Democratic county committee while I treated myself as treasurer for George McLean.

Q. And you so signed your account?—A. Yes; I might have been in error in filing the account as treasurer for George McLean, candidate.

Q. You filed this account by virtue of the provisions of the act of statute of 1806, didn't you?—A. Yes.

Q. Of course, under that statute you had no right to expend any money except as a candidate or treasurer of a political committee, had you?—A. The Democratic ticket for the congressional district comprised just one man, and I presume I confused the treasurership of the committee with the treasurership of the individual.

Q. There was a Democratic county committee, wasn't there?—A. There was; Edward J. Moore was chairman, and he was authorized to consult with whoever he felt disposed about anything in connection with the campaign.

Q. Were you ever elected treasurer of the Democratic county committee by the committee?—A. The committee was composed of Mr. Moore and my brother, so far as I know. There were no district appointments to the committee, with the possible exception of George Buss, who was to be chairman of the third legislative district, and they may have agreed to make me treasurer.

Q. But you had no knowledge of it?—A. I was apprized of it.

Q. What authority had George Buss and E. J. Moore and your brother, the three of them together, to appoint you as treasurer of the Democratic county committee?—A. They acted as the Democratic county committee alone at first, and subsequently with one or two other men from different districts.

Q. What was the Democratic committee composed of?—A. We didn't have any Democratic county committee list that consisted of members from every legislative district and every voting precinct as you had. We had a chairman, and later in the campaign he did consult with some representative men from each legislative district.

Q. That was after your appointment?—A. Yes.

Q. The various men who distributed money here told of paying out money to committeemen in the voting precincts; who were these committeemen?—A. They were standing committeemen in the Democratic Party.

Q. And they were a part of the Democratic county committee, were they?—A. In the past, but they were a sort of a dormant part of the committee at that time.

Q. If they were holding over they were not dormant?—A. They never met in Wilkes-Barre at a political meeting.

Q. There was never any meeting of the committeemen of the Democratic Party, was there?—A. Yes; but not of all the old members from the different voting precincts.

Q. Where was it?—A. We had several meetings prior to election day.

Q. How many meetings did you have prior to your appointment?—A. I don't know how many they had.

Q. Do you know of any prior to your appointment?—A. I know the chairman was named before my appointment.

Q. He was named by your brother, wasn't he?—A. I don't know who named him.

Q. I wish at the next meeting that you would produce the checks of your special account?—A. Very well.

Mr. LENAHAN. We move to have this testimony, under the date of its delivery, yesterday, of this witness, and also the testimony given to-day, all stricken from the record for the reason that it is immaterial and irrelevant to the pleadings in this case.

GEORGE R. MCLEAN, contestant, recalled by contestee:

Examination by Mr. JONES:

Q. I wish you would tell me when you started on your southern trip.—A. To the best of my knowledge, on December 3, without looking it up.

Q. And you say that you went direct to Philadelphia?—A. Direct to Philadelphia.

Q. And you remained there how long?—A. My recollection is one day or two days; I can't positively tell which.

Q. And you went directly from there to Florida?—A. Yes.

Q. Did you leave your home for any other trip prior to December 3 after the election?—A. No.

Q. And you have already testified that you were not in Washington between the day of election and the filing of your contest?—A. I have. No; I have not testified to that. I have testified that I was not in Washington from the date of my leaving home here until January 3 or 2 or 4. The 4th, I think it was. After January 2, but I wouldn't be sure of the date.

Q. Were you in Washington—how soon after January 2 were you in Washington?—A. I couldn't tell you; I have no method of telling; January 4 or 7 it may have been.

Q. Do you know where the Hotel Grafton is in Washington?—A. Very well.

Q. When did you last visit there?—A. I couldn't tell you, but I know it was either—

Q. That was the visit you referred to when you last testified, wasn't it?—A. No; I wasn't at the Grafton on my last visit to Washington.

Q. How many visits have you made since the first of the year?—A. I believe I have been there three times. On my last trip to Washington I went to the Hotel Grafton and registered and the clerk informed me that he had no room and I left there; he was filled up.

Q. When was that?—A. I think that was around the 1st of April or just prior to that.

Q. Were you in Washington before this contest was started, on January 14?—A. Yes; I was.

Q. When was that?—A. I couldn't tell you exactly.

Q. I mean between the 1st and 14th sometime, was it?—A. Yes.

Q. And you registered at the Hotel Grafton—the register at the Hotel Grafton, under date of December 1, 1910, shows the registration of W. S. McLean, of Wilkes-Barre, and George R. McLean, of Wilkes-Barre. Was that you and your father?—A. On December 1, 1910?

Q. Yes.—A. No.

Q. Do you know of any other George R. McLean in the city of Wilkes-Barre?—A. No; I don't.

Q. Do you know of any other W. S. McLean except your father and brother?—A. No; and I know if such a registration is there how it probably got there, too. There is no other William S. McLean and George McLean in the city of Wilkes-Barre.

Q. Have you heard that there was any such registration?—A. No; not until this minute.

Q. You say if it is there you know how it got there?—A. Yes.

Q. How did it get there?—A. By some one putting it there for purposes of his own.

Q. Do you know of any George McLean in the city of Wilkes-Barre who writes exactly like you do?—A. No; there is none as far as I know.

Q. So that if those entries on the hotel register there are in your handwriting it was not put there by anybody else, was it?—A. If they are in my handwriting it was not put there by anybody else, but they are not in my handwriting, if there be such a registration, which I doubt.

Q. Well, we will prove to you that there is such a registration. We are going to find out who the McLeans are from this town.—A. I presume that is a bluff; but if there is such a registration I want to know it and know who and when and how it was put there.

Q. If you go to Washington you can easily find out.—A. I am not enough concerned about it, but if it is there I will find out who put it there.

Mr. LENAHAN. At this stage of the proceedings we call upon the gentlemen to produce that registration either here or in Washington before this case closes and we will establish it to be a forgery if it purports to be in the handwriting of George McLean.

(Adjourned until April 21, 1911, at 10 a. m.)

FRIDAY, APRIL 21, 1911.

Hearing resumed at 10 o'clock a. m. in sheriff's salesroom, courthouse, pursuant to adjournment.

Aparances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., and John H. Dando, Esq., counsel for contestee; John T. Lenahan, Esq., John E. Jenkins, Esq., and A. C. Campbell, Esq., counsel for contestant; Arthur

L. Turner, Esq., contestant's commissioner; George R. McLean, contestant, in person.

Contestee offers in evidence notice of hearing and list of witnesses, as follows:

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

To GEORGE R. MCLEAN, Contestant, or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, Esq., and JOHN E. JENKINS, Esq., his attorneys:

You are hereby notified that on Friday, April 21, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's salesroom), in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him, as provided in sections 108, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose names and places of residence are as follows:

William S. McLean, Jr., George R. McLean, Wilkes-Barre, Pa.; John J. Moore, Plymouth, Pa.; D. E. Thomas, Wilkes-Barre, Pa.; Charles B. Smith, Pittston, Pa.

C. C. BOWMAN, Contestee.

Service accepted April 19, 1911.

GEORGE R. MCLEAN, Contestant.

JOHN J. MOORE recalled on part of contestee:

Examined by Mr. JONES:

Q. You stated, Mr. Moore, the last time you were upon the witness stand, that out of the \$2,900 fund which was placed by you and William S. McLean, Jr., in the hands of E. J. Moore, you received \$625?—A. Yes, sir.

Q. Which was to be used for poll men in certain districts?—A. Yes, sir.

Q. Did you pay that out? To whom and how did you distribute it?—A. The whole amount?

Q. Yes?—A. The whole \$625?

Q. Yes?—A. \$315 of it is accounted for in my expense account filed for Mr. DeWitt; the other \$315, which was Mr. McLean's portion, was paid: \$55 to John McGrouarty, Edwardsville; \$75 to James J. Gallagher, of Larksville borough; \$50 to M. W. Gillespie, Plymouth Township; \$75 to Joseph A. Lee, Plymouth borough; \$10 to James J. Kennedy, of Larksville borough; \$20 to M. W. Cumford, Larksville borough, which makes a total of \$285, leaving a difference of \$30 that I have no records of. The money was spent around at different places, but I can't recall at this late day what became of it.

Q. At the same time you paid these several men this money did you also give them other moneys?—A. At times, yes; sometimes.

Q. Was this \$625 used in behalf of DeWitt and McLean?—A. Yes, sir.

Q. How was the rest of the \$625 placed?—A. For instance, I can only give the best of my recollection about that. For instance, I will start at the top here now. M. W. Cumford received altogether from me \$20 and \$20. It would be \$40 he received from me for poll men in Larksville.

Q. And that was to be used for both candidates?—A. Yes, sir; to be used for both candidates.

Mr. LENAHAN. For the money you expended for Mr. DeWitt you are not obliged to answer.

Mr. JONES. This is money that he expended for both candidates.

Mr. LENAHAN. For the money you expended for Mr. DeWitt you are not obliged to answer.

Q. This was part of the money to be used for—A. I had \$625, to be used for combination poll men.

Q. By combination you mean McLean and DeWitt?—A. Yes, sir.

Q. You told us how you spent \$285. In addition to the money that you gave Cumford, how was the rest of it used?—A. M. W. Gillespie received altogether from me \$110, but he received from me \$100 for combination poll men.

Q. That would be \$50 besides that \$50 you have testified to?—A. Yes, sir.

Q. And that was to be used in Plymouth Township?—A. Yes, sir.

Q. Go on. Mr. Moore.—A. John McCarthy, Edgewater, for Edgewater Borough, received \$110; \$55 for McLean and \$55 for De Witt.

Q. To be used for both parties? To be used as a combination fund?—A. Yes, sir.

Q. Go on.—A. James Gallagher, Larkeville, received \$150 for combination poll men. Joseph A. Lee received \$150 for combination poll men. James J. Kennedy received \$20 for combination poll men.

Q. In the same way you have accounted for \$295 given these same men out the same fund, leaving a balance of \$30, leaving a balance of—I mean a total balance of \$80 out of the fund.—A. \$30 is accounted for in De Witt's account here. I have, for instance, Peter J. McCormick, \$30. There may be some of it in that; I don't know at this time where it is.

Q. At the time you last testified in answer to my question you stated that the check you received from E. J. Moore for \$125 was not cashed by Andrew Beckley. Do you want that to go on the statement?—A. I want to correct that statement.

Q. You may do so.—A. Mr. Beckley done some special work for me for Mr. De Witt. He came in the store and I wanted to give him some money and I didn't have no change in my pocket at the time. Mr. Beckley was an ex-employee of mine and a very good man, and I didn't hesitate to indorse a check and turn it over to him and tell him to go down to the bank and get \$125 and bring it back up to me. He was merely a messenger to go to the bank.

Q. Did he receive any of the money in that check?—A. In other words, he didn't get any of the proceeds of that \$125 check.

Q. But what other money he did receive, and he did receive money, it had nothing to do with this contestant?—A. No, sir.

Q. The money that Mr. Beckley received was none of this \$625? I mean the combination fund.—A. No, sir; absolutely not.

Q. Did you pay Thomas Close any money?—A. No, sir.

Q. In your account you account for money given William S. McLean, Jr., \$270. How did you arrive at that figure?—A. I think we explained that before on the last day. Mr. McLean received \$270 of that combination fund to pay poll men in one of the districts, one of the 20 senatorial districts, or rather one of them: I have forgot exactly where they were. That was a combination, portion of this combination fund. In other words, I appointed the combination poll men in those four places I spoke of. McLean appointed and paid the combination poll men in some other places. That money was a portion of that campaign money which McLean paid out.

Q. And all the combination fund to be paid out by McLean was \$540? And this was to be used in these particular districts that he was to take care of?—A. Yes, sir.

Q. You charged yourself with half of that?—A. Yes, sir.

Cross-examination by Mr. LANAHAN:

I move to strike out this testimony of Mr. Moore as not being pertinent to the issue raised by the pleadings in this case, and therefore it is immaterial and irrelevant.

WILLIAM S. MCLEAN, JR. recalled on behalf of contestee:

Examined by Mr. JONES:

Q. Mr. McLean, at the last hearing in this case I asked you to produce the checks drawn on your special account?—A. Yes.

Q. And you have produced them?—A. Yea, sir.

Q. The particular check which was loaned to George R. McLean out of this special fund, dated what day, Mr. McLean?—A. September 21, 1910.

Q. And you also drew a check to yourself from that account of \$500?—A. No, sir.

Q. The same date?—A. No.

Q. What was the date?—A. 25th September.

Q. I direct your attention to the perforation to "paid stub" perforation in your check 25th September, \$500?—The third perforation?—A. The paid stub, or rather the paid stamp of the bank, which indicates the date of the check is 9-22-910, September 22, 1910.

Q. What figure is before the "9" in the perforation?—A. It is presumed to be a dash, indicating the beginning of the numerals, it looks something like "1."

Q. Isn't it a plain "1" in the same perforation and can be ciphered in that check?—A. Maybe 19, undoubtedly it is intended for 19 months, but that would make 19 months in the year.

Q. It is very plainly stamped?—A. Apparently appears to be "1" before the "9" in the perforation.

Q. 19-22-10, does it not?—A. That may be. Check dated September 21, drawn to my own account, was deposited in the First National Bank on September 21, to the account of William S. McLean, Jr., as appears from the bank pass book of William S. McLean, Jr., of that date.

Mr. LENAHAN. Which you now exhibit to counsel on the other side?—A. Yes, sir.

Mr. JONES. Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —.

WILKES-BARRE, Pa.,
September 21, 1910.

The First National Bank pay to the order of William S McLean, jr., five hundred dollars.

(Signed) WILLIAM S. MCLEAN, JR.

(Signed) WILLIAM S. McLEAN, JR.

(Said check being indorsed on back "William S. McLean, Jr."
Contestee's Ex. D.—H. F. G. Apr. 21, 1911.)

Q. Can you find any other check that the perforation is in that way?—
That is clearly an effort to detach the check; the "9" indicates the numerals.
Q. Where did you draw these checks from I have before me?—A. Drawn

from my special account.
Q. Were they loose counterchecks, or were they drawn from your book?—A. This account extends over a period of six years. It is a very inactive account. The checks are counterchecks or checks drawn from loose bank books, checks in the office.

Q. I direct your attention to check, not numbered, dated July 7, 1910, the next check in sequence, which is drawn by you August 11, 1909. A. Yes.

Q. The next check is September 2.—A. Yes, sir. September 2, I have already explained. This is the one you asked me about payable to Goertz.

Q. No; I am taking the checks in sequence.—A. If you take all the checks in sequence you will find how they came.

Q. The next one you have just talked about, September 21?—A. If you will take these checks and arrange them according to their dates and amounts

take those checks and arrange them according to their dates and amounts, every check in sequence. I will tell you if that sequence was drawn by me.

Q. Wait till I ask you, then judge of its intelligence. Check of July 7, which

Q. Wait till I ask you, then judge of its intelligence. Check you produce here, is drawn out of this account?—A. Yes, sir.

Q. And also another check of July 7, \$240, to William S. McLean, Jr., was drawn out?—A. Mr. Jones, I wish it to appear on the record that I have no stubs for these checks, and the only way I can identify them is reading the entire check, and then I can tell you what it was drawn for.

Q. I didn't ask you what it was drawn for?—A. The check was drawn by me. Every check that is drawn from the William S. McLean, special account is charged to that account.

Q. I call your attention to check, dated July 7, 1910, payable to your order for \$240. What was that for?—A. The check of July 7, 1910, was drawn to my personal order, was deposited over in my personal account. It had nothing to do with politics whatever.

Mr. JONES. Offer the check in evidence to be spread upon the record.
(The check being as follows:)

WILKES-BARRE, PA.

WILKES-BARRE, PA.,
July 7, 1940.

The First National Bank pay to the order of William S. McLean, jr., two hundred and forty no/100 dollars.

hundred and forty no/100 dollars. (Signed) **WILLIAM S. MCLEAN, JR.**

Special.
(Said check being indorsed on back. "William S. McLean, Jr."

(Said check being indorsed on back. William S. McLean, Jr.
Contestee's Ex. E.—H. F. G., Apr. 21, 1911.)

Q. I call your attention to check dated July 28, drawn to Harry E. Miller, what was that for?—A. Payment to a contractor by me, Harry E. Miller, which he was entitled to on a loan to William Higgs, C. I. Thomas, contractor.

Mr. JONES: Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
July 28, 1910.

The First National Bank pay to the order of Harry E. Miller four hundred no/100 dollars on account of Thomas contract.

\$400. (Signed) WILLIAM S. MCLEAN, JR.

Special.

(Said check being indorsed on back, "Harry E. Miller, received payment through clearing house, July 30, 1910. South Side Bank, Wilkes-Barre, Pa." Contestee's Ex. F. H. F. G., April 21, 1911.)

Q. The next check is October 11, payable to you. Payable to you for \$500; what was that for?—A. I am not prepared to say that is the next check drawn on that account. If you will place every check drawn on that account in its sequence, then I will answer.

Q. I direct your attention to the check dated August 11, payable to your order for \$500: what was that for?—A. That was a check drawn from the special account to my personal account and deposited as indicated by my bank book. That was for business in the office.

Q. Have you any recollection what it was for?—A. It was a transfer in that account for the purpose of checking out in my professional business, and will be indicated in my bank book, check book, and will show a check drawn on my personal account.

Mr. JONES: Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
August 11, 1910.

The First National Bank pay to the order of William S. McLean, Jr., five hundred and no/100 dollars.

\$500. (Signed) WILLIAM S. MCLEAN, JR.

Special.

(Said check being indorsed on back "William S. McLean, Jr." Contestee's Ex G.—H. F. G., April 21, 1911.)

Q. You have already testified relative to check, dated September 2, 1910, to George R. McLean?—A. Yes, sir; that is a loan of \$500 which I made to my brother.

Mr. JONES: Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
September 2, 1910.

The First National Bank pay to the order of G. R. McLean Five hundred & no/100 dollars.

\$500. (Signed) WILLIAM S. MCLEAN, JR.

Special.

(Said check being indorsed on back "George R. McLean." Contestee's Ex. H. H. F. G. Apr. 21, 1911.)

Q. August 15, according to the testimony and as indicated by your checks is another \$500, which you paid to your brother, making a total of \$1,000 loaned him, and which was afterwards deducted from the \$5,000?—A. Yes, sir; and included in the check of \$875.

Q. This \$500 to which we now refer is included in the check of \$875 was drawn from your personal account?—A. Yes, sir.

Q. How did you come to do it that way?—A. I had to draw a check on my personal account in October 11, 1910, for \$500.

Q. Why didn't you pay that money direct from your special account on October 11, instead of paying from your personal account on October 15?—A. I can't tell you.

Q. You are sure that was the check?—A. About that time the check was drawn over to my personal account from my special account for \$500. I made

the stub in my personal account: "Loaned to my brother from the special account."

Q. That was the same \$500 you took from your special account to your personal account?—A. I can't identify it as the same \$500. My check from the special account was deposited in the personal account and the check was drawn from the personal account.

Q. You balanced it that way?—A. Probably the result was the same.

Q. September 21, 1910, you drew a check payable to yourself of \$500 from the special account.—A. I drew a check to the order of William S. McLean, Jr., on my special account, September 21. This check has already been referred to. It was deposited to my personal account, as shown by my pass book and entry in the same, September 21, for \$500, which I now exhibit to counsel.

(Note.) Check is Exhibit D.

Q. What did you do with that \$500 once you had it in your personal account?—A. I drew it over in my personal account and used it in business in the office.

Q. How do you mean in the business of the office?—A. I drew it out of my personal account by various checks, as appears in the stubs in my personal check book.

Q. Can you refer to the stubs in your personal check book by which you drew that \$500 out?—A. It might cover 75 checks or it might cover 25.

Q. Do you recall any of them?—A. You have the check book.

Q. I hand the book to you now. I would like you to tell me what it was for.—A. I think my purpose in drawing \$500 out of my special account and putting it in my personal account was for the purpose of having my special account balanced. When I—

Q. Do you mean that you borrowed it from your special account?—A. I borrowed it from my special account to put it in my personal account.

Q. Where did you pay it back to your special account?—A. By way of check or checks. There are various deposits in this account. That is my special account; for instance, here is one, 27th, \$3,200. On June 30 another—

Q. But this was drawn from the 21st day of September.—A. Well, here is one, August 1, \$300, or rather, I mean \$7,600; one October 3, \$3,400; one November 17, \$1,990; one January 28, 1911, \$30. Altogether various deposits. In some instances the money belonged to me or to the Alexander McLean estate, and for other purposes and business, but I treated both funds as my own.

Q. You would render an accounting to the different persons interested in the Alexander McLean estate as you would draw out of that fund?—A. Every item is charged. Every deposit in that account for which an account was to be made to other people appears in my office ledger.

Q. Then your office ledger shows the Alexander McLean estate funds?—A. It shows the Alexander McLean estate fund and every other account for special funds which I happen to have in my hands.

Q. Particularly the Alexander McLean estate?—A. Part of the Alexander McLean estate is banked in the special account and any moneys that are placed in the Alexander McLean account that are to be paid out or are paid out will be found in my ledger, and every item which goes through that account is accounted for.

Q. The ledger will show the withdrawal and the repayment of the \$500?—A. No, sir.

Q. Will it show a loan of \$1,000 to George?—A. No, sir; that money taken from that account was taken for my own convenience.

Q. Well, but how do you keep account of it?—A. Wherever I withdraw \$500, for instance, I withdraw from account \$500; that is, from my special account out of my personal account, with the intention of replacing it; I probably charged it in my diary.

Q. Do you keep a desk diary?—A. I keep a desk blotter. I keep a small diary book which I put my fees, etc., in and the amounts of moneys or fees that I owe people.

Q. Either in your ledger or your diary will it appear how you paid this money back in the Alexander McLean fund which you drew the 21st of September?—A. Not necessarily.

Q. How do you keep track of it?—A. I keep track of it through various entries I make and keep it in my head.

Q. Do you ever render an accounting to any heirs of the Alexander McLean estate?—A. I have other items of that account. After the book is balanced

and the account closed up the account may open again; this may be caused by the proceeds of the sale of some real estate or a loan of some kind.

Q. Will those balances show from year to year?—A. Mr. Jones, you don't appear to understand my basis of bookkeeping. I will go into it fully: If I have an account "loan for John Smith," and the money is to be paid out as the work progresses, I place that money in my special account; then I check it out of my special account to the workmen, material men, and contractor entitled, and I charge those items over in that ledger back against the sum which I have in my hands.

Q. Do you put the money in the Alexander McLean account?—A. I have designated no account as the Alexander McLean account.

Q. I mean the Alexander McLean estate account?—A. I have designated no account as the Alexander McLean estate account.

Q. Then how do you account for the loan? Do I understand the account, William S. McLean, jr., does not refer particularly to the Alexander McLean estate account?—A. You mean William S. McLean, jr., special account.

Q. Yes, the special account of William S. McLean, Jr.—A. It refers to Alexander McLean estate in part and in part to various loans, moneys which I have held in my hands to be paid as certain work progresses.

Q. It will show money for the Alexander McLean account?—A. Yes, sir.

Q. And you distributed that money?—A. I distributed that money; yes, sir.

Q. Did you keep an account showing how you have distributed that money and to whom you distributed it?—A. Wait till I refer to the ledger and see how the accounts are held. I have a ledger account, to the best of my knowledge, of the Alexander McLean estate. I have another in the ledger account of Alexander McLean rent account. I have another ledger account Thomas C. Wilson. I have another ledger account Lizzie M. Wilson. I have another ledger account Elizabeth S. Reed. I have another ledger account J. Agnew. I have another ledger account Martha Long. I have another ledger account Helen M. Agnew, and I believe I have another one, Alexander McLean, jr.

Q. And all those accounts you have as referred to pertain to the Alexander McLean funds?—A. They are funds coming through the sale of real estate, from rental, sale of property, etc. Oh, it is a promiscuous account.

Q. Do the funds for this account go into the bank book?—A. Yes, sir.

Q. Have you any objection to producing those ledger accounts?—A. The ledger accounts with the respective heirs and others have nothing whatever to do with politics; but if you desire it I will present them.

Q. Mr. McLean, we would like to examine them, that's all. I wish you would produce them.—A. Let me say this, Mr. Jones, that the William S. McLean, jr. special account funds, in my name, William S. McLean, jr.'s, account, is the way I conveniently carry it. I never treat that account as belonging to any particular person. I have at times been given pay for the proceeds of real estate which I own, and place that in the special account, and I have at various times put in there moneys that I received from rental from houses that I own. I conserve that fund for purposes, sometimes take loans, to make loans myself, and sometimes to purchase other real estate.

Q. How do you say you borrowed money from this account?—A. It was a transfer from one account to the other.

Q. In truth, really, it was a transfer of your property from one account to the other?—A. Practically, and drawn out of that account for my convenience. I would prefer to have certain funds under the name of the special rather than have it go through my account, William S. McLean, jr.

Q. You testified at the last hearing when I asked you how you got that \$500, you said it was due on commissions?—A. It might have been due me on commissions. Commissions of the sale of real estate. It might have been due me as that part of the fund loaned which I retained for services in making the loan. It might have been due me as moneys which I deposited from the sale of real estate.

Q. And your ledger will show that?—A. Evan, I consider that question absolutely astinine, for the reason that account covers a period of over six years.

Q. Will you produce your ledger?—A. Yes, sir.

Q. I wish you would, as we would like to go to the beginning of the checks?—A. You have had plenty of opportunity.

Q. Will you produce that book to-morrow?—A. I will be glad to let you go through my ledger.

Q. Or some morning next week?—A. Yes; but if you flounder along through the ledger as you have been through the checks you won't ever get through it.

Q. I will regulate that to suit myself. I desire to ask you to identify several more checks drawn from this account. On September 3, 1910, you drew a check payable to Hyman Landau for \$30. I mean \$1,425. Did that check have any reference to politics?—A. No; sir. Mr. Herring is a contractor and it had nothing absolutely to do with politics.

Mr. JONES. Offer the check in evidence to be spread upon the record.

(The check being as follows:)

WILKES-BARRE, PA.,
September 3, 1910.

The First National Bank, pay to the order of Hyman Landau and John R. Herring, fourteen hundred and twenty-five and no/100 dollars. \$1,425.

(Signed) WILLIAM S. MCLEAN, Jr.

Special.

(Said check being indorsed on back) "Received in fees of contract Herring to Landau, John R. Herring, Hyman Landau, cr. act. Hyman Landau. Peoples Bank of Wilkes-Barre, paid Sept. 6, 1910. Through clearing house."

Contestee's Ex. I.—H. F. G. April 21, 1911.

Q. I want to ask you about this check of September 2, 1910. This is to the order of Dime Deposit Bank, \$1,000.04?—A. That was drawn in connection with some loan which Mr. Daniel A. Fell and I made.

Mr. JONES. Offer the check in evidence to be spread upon the record.

(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
September 2, 1910.

The First National Bank, pay to the order of Dime Deposit Bank, one thousand and eight no/100 dollars.

\$1008.00. (Signed) WILLIAM S. MCLEAN, Jr.

Special.

(Said check being indorsed on back, "11 paid, through clearing house Sept. 3, 1911. Dime Deposit Bank, Wilkes-Barre, Pa."

Contestee's Ex. J.—H. F. G., April 21, 1911.)

Q. The check bearing date of September 21, paid to your brother. I examined you previously?—A. Yes.

Q. I am merely offering those checks for identification. Checks dated October 19, 1910, payable to Sophia O'Hara, for \$3,297.05.—A. That was a business transaction, had nothing to do with politics. That was a business transaction. Miss O'Hara had power of attorney to satisfy a mortgage in the recorder's office of Luzerne County, and the check was drawn from this special account.

Mr. JONES. Offer the check in evidence to be spread upon the record.

(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
October 19, 1910.

The First National Bank, pay to the order of Sophia O'Hara, thirty-two hundred and ninety-seven & no/100 dollars.

\$3,297.05. (Signed) WILLIAM S. MCLEAN, Jr.

Special.

(Said check being indorsed on back, "Sophia O'Hara, S. R. M. O'Hara. Received payment through clearing Oct. 21, 1910. Wyoming Val."

Contestee's Ex. K.—H. F. G., April 21, 1911.)

Q. Here is another one, dated October 19, 1910.—A. That was drawn to Mr. John Kosek, for \$48.83, for expenses which I had paid a loan that he and I were in. That was in part of his fee.

Mr. JONES. Offer the check in evidence to be spread upon the record.

(The check being as follows:)

No. —.

WILKES-BARRE,
October 19, 1910.

The First National Bank pay to the order of John Kosek forty-eight and 83/100 dollars.

\$48.83. (Signed) WILLIAM S. MCLEAN, Jr.

Special.

(Said check being indorsed on back "John V. Kosek." Paid Oct. 22 1910. Second National Bank, Wilkes-Barre, Pa.

Contestee's Exhibit L. H. F. G. April 21, 1911.)

Q. The check of November 18, 1910, William S. McLean, jr., was also drawn from this account for \$75?—A. Yes, sir.

Q. What was that for?—A. That availed a part of a fee which was due my father from this account.

Mr. JONES. Offer the check in evidence to be spread upon the record.
(The check being as follows:)

WILKES-BARRE, PA.,
November 18, 1910.

The First National Bank pay to the order of William S. McLean, seventy-five and no/100 dollars.

\$75# (Signed) WILLIAM S. MCLEAN, JR.

Special.

(Said check being indorsed on back "William S. McLean."
Contestee's Exhibit M. H. F. G. April 21, 1911.)

Q. On November 12, check of \$400 payable to William S. McLean, jr.; what was that for?—A. That was a transfer from my special account to my personal account as a deposit, as shown by my personal pass book of the First National Bank of November 12.

Mr. JONES. Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —. WILKES-BARRE, PA.,
November 12, 1910.

The First National Bank pay to the order of William S. McLean, jr., five hundred and no/100 dollars.

\$400# (Signed) WILLIAM S. MCLEAN, JR.

Special.

(Said check being indorsed on back "William S. McLean, jr."
Contestee's Exhibit N. H. F. G. Apr. 21, 1911.)

Q. Do you know what other items go to make up that item of \$638 on your check book?—A. Yes, sir.

Q. Have you a deposit slip of those items?—A. No; but I have a memoranda of that. My memoranda is deposit slip, November 12, 1910, shows, \$238 cash and a check of William S. McLean, jr., of \$400, which made \$638.

Q. Here is one of November 17, G. F. Lazarus, for \$1,220: do you know what that is for?—A. Yes; that \$1,220 was drawn out of this account to pay a certain contractor, delivered to Mr. Lazarus, a loan which he and I were in. Had nothing to do with politics.

Mr. JONES. Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —. WILKES-BARRE, PA.,
November 17, 1910.

The First National Bank pay to the order of G. F. Lazarus twelve hundred and twenty no/100 dollars.

\$1,220# (Signed) WILLIAM S. MCLEAN, JR.

Special.

(Said check being indorsed on back "G. F. Lazarus, Wilkes-Barre, Deposit and Savings Bank, Wilkes-Barre, Pa. Paid Nov. 18, 1910. Through clearing house.")

Contestee's Exhibit O. H. F. G. April 21, 1911.)

Q. On November 19, 1910, check for \$190, payable to your order, also drawn to your account—to that special account?—A. Yes; drawn from the special account to balance some checks drawn for a loan account, which I drew from my personal account and should have been drawn from my special account.

Mr. JONES. Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —. WILKES-BARRE, PA.,
November 19, 1910.

The First National Bank pay to the order of William S. McLean, jr., one hundred and ninety & no/100 dollars.

\$190. (Signed) WILLIAM S. MCLEAN, JR.

Special.

(Said check being indorsed on back "William S. McLean, Jr."
Contestee's Ex. P.—H. F. G., April 21, 1911.)

Q. November 21, 1910, check drawn to the order of D. A. Fell for \$400.—A. Yes; drawn from the special account in connection with a loan he and I made, covering his part charged for services and part for sale.

Mr. JONES. Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
November 23, 1910.

The First National Bank pay to the order of D. A. Fell four hundred & 85/100. \$400.85.

(Signed) WILLIAM S. MCLEAN, Jr.

Special.

(Said check being indorsed on back "D. A. Fell. Paid through clearing house Nov. 25, 1910. Dime Deposit Bank, Wilkes-Barre, Pa."

Contestee's Ex. Q.—H. F. G., April 21, 1911.)

Q. December 3, 1910, check to W. L. Higgs of \$30.—A. Yes; that check was drawn out of that special account for W. L. Higgs, being some money in my hands for a loan which I made to him—to a man building a house in Dallas. I think there are some other checks in that account which you have there.

Mr. JONES. Offer the check in evidence to be spread upon the record.
(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
December 3, 1910.

The First National Bank pay to the order of W. L. Higgs thirty & no/100 dollars.
\$30.

(Signed) WILLIAM S. MCLEAN, Jr.

Special.

(Said check being indorsed on back "W. L. Higgs, received payment through clearing house, Dec. —, 1910. South Side Bank."

Contestee's Ex. R.—H. F. G., April 21, 1911.)

Q. Altogether there are 18 checks that I have drawn your attention to that you have drawn out of this special account?—A. Yes, sir. I wish to put in evidence every check which is drawn out of this special account from the time that you subpoenaed my books.

Q. If your counsel sees fit to do so, you may do that, but not now. You may do that when the proper time comes.

Mr. JONES. Offer the three remaining checks in evidence to be spread upon the record.

(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
July 7, 1910.

The First National Bank pay to the order of John R. Herring five hundred & no/100 dollars.
\$500.

(Signed) WILLIAM S. MCLEAN, Jr.

Special.

(Said check being indorsed on back "Jno. R. Herring. Received payment through clearing, July 25, 1910, Wyoming Valley Trust Co."

Contestee's Ex. S.—H. F. G., April 21, 1911.)

(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
AUGUST 13, 1910.

The First National Bank pay to the order of C. I. Thomas two hundred and fifty & no/100 dollars.
\$250.

(Signed) WILLIAM S. MCLEAN, Jr.

Special.

(Said check being indorsed on back, "Charles I. Thomas."

Contestee's Ex. T.—H. F. G., Apr. 21, 1911.)

(The check being as follows:)

No. —.

WILKES-BARRE, PA.,
August 30, 1910.

The First National Bank pay to the order of Ellen W. Sturdevant seventeen hundred and sixty-eight & 56/100 dollars.
\$1,768.56.

(Signed) WILLIAM S. MCLEAN, Jr.

Special.

Digitized by Google

(Said check being indorsed on back, "pay to the order of S. H. Sturdevant's Sons. Ellen W. Sturdevant. S. H. Sturdevant Sons. Received payment through clearing house, Aug. 31, 1910. Wyoming Valley Trust Co., Wilkes-Barre, Pa."

Contestee's Ex. U.—H. F. G. Apr. 21, 1911.

(Note—All the checks that have been offered in evidence are canceled by a perforating stamp.)

Cross-examination by Mr. CAMPBELL:

Q. Mr. McLean, I believe you were a witness before in this case?—A. Yes.

Q. (Witness shown his deposit book, the deposit book of William S. McLean, Jr., special account). When did that account begin?—A. September 15, 1903.

Q. What was the last time that the book was balanced? What were the total deposits made in this special book?—A. \$62,066.00.

Q. And against it there has been checked out how much?—A. \$62,065.52.

Q. In the year as—in the year 1909, as against the special account, did you draw any checks payable to William S. McLean, Jr., and George R. McLean?—A. September 5, or rather September 1, 1908, I drew one to my own account, deposited it in my personal account for \$500. July 17, 1909, I drew one from special account to my personal account for \$400. On June 7, 1909, I drew one from my special to my personal for \$50. April 27, 1909, I drew one from my special to my personal account for \$50. April 10, 1909, I drew one from my special account to my personal account for \$25. June 3, 1908, I drew from my special account to my personal account for \$500. October 26, 1908, I drew from my special account to my personal account \$41.83. November 2, I drew from my special account check dated November 23, 1909, George R. McLean, check of \$500, from my special account \$500. November 3, 1909; I drew check from my special to my personal account check \$600.

Q. In addition to those checks that you have testified to, you have produced from examination by counsel for Mr. Bowman, all the checks drawn on your special account which you were subpoenaed to produce?—A. Yes, sir.

Q. In all you have produced 92 checks?—A. Yes, sir.

Q. They include all of the \$62,066.09 of the special fund deposited, or from October 12, 1906, up to and including January 28, 1911?—A. Yes, sir.

Q. When you speak of depositing the checks drawn on your special account to the credit of your personal account, you mean by the personal account, the account which has been submitted to the counsel for Mr. Bowman and about which you have been examined?—A. Yes, sir.

Q. As to the stubs and to the checks themselves?—A. Yes, sir.

Q. That was for moneys drawn from your special account on check drawn from your special account to your personal account and deposited in the personal account?—A. Yes.

Q. Speaking about the special fund, is that account now balanced?—A. Yes, sir; I balanced it at the request of counsel.

Q. Did you draw out the balance?—A. No, sir.

Q. When was it balanced?—A. Balanced April 17, 1911.

Q. Prior to that time when was it balanced?—A. October 12, 1906.

Q. Does it show a balance now?—A. Yes, sir.

Q. Didn't you draw that money out when you went on your trip south?—A. No, sir.

Redirect examination by Mr. JONES:

Q. Did you not draw all that money out when you went on your trip south? I understood you to say that you did?—A. No; I inquired the balance and drew \$114 out.

Q. Was that your money or cash loaned from the account?—A. All the money remained in the account at that time was mine.

Q. Your personal money?—A. Yes, sir.

Q. The check book which you have produced shows your expenditures. I mean showing your personal expenditures nowhere contains any entries of deposits. It nowhere contains anywhere any entries of deposits?—A. No; my check book contains the stubs and withdrawals of money. My pass book or bank book contains the entries of deposits.

Q. Opposite the check stubs there are ruled entries or lines for entry, for balances and figures in your check book?—A. Yes, sir.

Q. You never used them?—A. Sometimes I would add up my check stubs for my own convenience and bring the total forward, and sometimes I wouldn't rely upon that system.

Q. You used counter checks frequently?—A. Often times when I was away from my office and wanted to draw a check, I used counter checks and checks from any check book on the First National Bank. Or sometimes I even drew checks from other check books and marked the name of the First National Bank on them. Some of them were counter checks and some of them were checks the public use.

Q. They were from sources other than the checks that you were using, your own checks?—A. Yes, sir.

Q. Did you draw any for political purposes?—A. All the checks that I drew for political purposes during the campaign I pasted in my stub book, and my recollection is now two or three of the papers were drawn outside of the office.

Q. At any rate they are included in your book—check book—or pasted back in your stub books.—A. Yes, sir; that is my recollection.

Q. Did you take the bank's word for it when you balanced your check book?—A. When I have my account balanced, I balance my account at the bank rather than with the checks, and check them up on my stub book.

Q. How do you indicate anywhere on your stub book any additions or deposits?—A. If I have no entry made of the money in the stub book for checks which are drawn out of the account, I include those checks in my stub book.

Q. Have you your deposit book here?—A. Yes, sir; there it is, right by your side.

Q. This was balanced the 28th day of February, this year.—A. Yes, February 28, 1911, it was balanced.

Q. It was balanced on that date?—A. Yes, sir.

Q. And it was balanced January 28, 1911?—A. Yes, sir.

Q. And it was balanced the 1st day of December, 1910?—A. Yes.

Q. Now, there was a balance on November 9, 1910?—A. Yes.

Q. Isn't there anything in your check book showing any additions or deposits or subtractions or withdrawals from your deposits so as to check up your account with the bank?—A. In that check book frequently I have had to check up my checks with my stub book. I added then the checks that were outstanding and had been presented to the bank, and often balanced them over against the balance in the bank.

Q. You did it on some paper or on some book outside of your check book; you did this figuring?—A. I usually did it on the check book.

Q. Where was it that you did this? When your book was balanced?—A. Take the last balance.

Q. February 28?—A. You will probably find it in along the book there.

Q. Your balance, as shown on your bank book February 28, 1911, there doesn't seem to be any figures on your check book?—A. Well, in that event the checks received from the bank checked up to the stubs on my stub book, there was no need of casting a balance.

Q. Immediately before that, January 28, no balance appears?—A. They have been checked up some place. Probably all the checks shown by my stubs checked up with what I received from the bank, and my bank book showed a balance.

Q. I show you your deposit book. Your book was balanced December 1. Turning now to your check book, is that where you figured your balance to compare with your bank book? [Witness refers to book.] A. My recollection is that the account of figures there would indicate outstanding checks. It may be that way or some checks not presented to the bank. It may be down here that some checks were drawn subsequently for my convenience.

Q. On the 3d day of December, 1910, you drew a check to which I did not draw your attention. "Self, cash for George, \$350." What was that?—A. That was the day that George went to Florida, and he was sick in the house and couldn't get out to go to the bank. I believe I took \$350 and bought a traveler's check at the bank.

Q. On December 3 he was unable to leave his home?—A. He was unable to leave his home to do any business, which, I think, was about that time he left for Florida with my father.

Q. Prior to that time and subsequent to the election had he been in your office at all?—A. Never.

Q. You had business matters come up in which he was interested and required some consultation with him?—A. Well, I can't say. I don't remember of his talking any business matters with me from the time he was confined to the house by illness until he came back from his trip.

Q. You have already testified up to the time he went away you had not talked politics with him subsequent to the election?—A. That is my recollection.

Q. And you haven't talked with any counsel on behalf of him prior to his going away, subsequent to the election?—A. The day of the official count Anthony Campbell and Ned Shortz and myself—

Q. Subsequent to the announcement of the vote by the court and the official determination of the election, had you talked with any counsel, or did you talk with any counsel about any action in this political contest before your brother went away?—A. Not that I remember.

Q. If you had such talk you would remember it?—A. Very likely.

Q. Was Mr. Jenkins in your office talking to anybody that you know of in this matter prior to your brother's leaving?—A. I couldn't say.

Q. At any rate, he didn't talk to you?—A. I don't remember of his speaking to me.

Q. Before your brother left did you say anything to him or did he say anything to you, or did anyone say anything to either of you in the presence of both of you about starting a contest in this matter?—A. I read it in the newspapers.

Q. What did you read in the papers?—A. I read in the papers as I recall it the likelihood of a contest.

Q. How long after election?—A. I don't know just when it appeared.

Q. Give the appearance of it with reference to the election date.—A. I believe that I saw an account around about election, or shortly thereafter; there was a likelihood of a contest on the part of the Democratic candidate, owing to the apparent change, as I remember it, in the returns as first indicated. This is my recollection.

Q. Were you surprised at that newspaper comment?—A. On the night of election—on the morning thereafter—I had received almost complete returns throughout the county for the vote for Congress, and the subsequent returns showed a very large variation in favor of the Republican candidate in Plymouth Township, sixth ward west, from the original returns. It showed: DeWitt, 92, who was the candidate for senator; Janes, the Republican candidate, 1; McLean, Democratic candidate for Congress, 91; Bowman, Republican candidate for Congress, 2.

Q. Where did you get those original returns from?—A. That original return was brought to the Democratic headquarters, and I believe it was returned to the Record office.

Q. By whom was it brought there?—A. I can't just tell you now, but subsequent returns as shown to the court showed a vote in the same precinct, McLean, 17; Bowman, 74.

Q. It was apparent fraud and an alteration of the returns?—A. I can not say if it was an alteration of the returns or apparent fraud, but I am obliged to say that there was a big change in the vote as first indicated and subsequently.

Q. The vote showing this should naturally arouse your suspicions?—A. Yes, sir; it did. And I have always been suspicious of elections ever since.

Q. Do you know if your brother had any knowledge of that particular transaction?—A. I didn't speak of these matters to my brother at that time prior to his return from Florida on account of his critical physical condition.

Q. When he was making up his notice of contest, did you discuss this particular district with him?—A. It seems to me this district was spoken of with others.

Q. After your brother came from Florida, and after he started this contest, you did discuss certain districts with him?—A. I don't remember that I discussed this district with him, or any other district, prior to the institution of the proceedings.

Q. Did you know he was going to institute a contest when he returned?—A. No, sir; I did not.

Q. When did you first learn of it?—A. The first time that I knew he intended lodging a contest was when he showed me a draft of a notice, or original notice, which he intended to serve upon C. C. Bowman.

Q. Did you then tell him that you knew of some valuable thing that should be incorporated in that notice?—A. I can't recall any conversation we had at that time with reference to that.

Q. By reason of that joint conference, after the bill of complaint was drawn, were there any changes made in that bill of complaint?—A. I don't recall that, whether it preceded the notice or afterwards.

Q. Then your mind is not quite clear whether you discussed these irregularities with your brother subsequent or prior to the preparation of the notice?—A. I can't say.

Q. What did the returns show for the Republican head of the ticket? What investigation did you make after that relative to the apparent change in those returns either before or since the institution of this contest?—A. I haven't had it in hand, either the matter of contest or investigation whatever.

Q. Didn't you discuss with your brother the advisability of investigation in that district?—A. It is very probable that I called his attention to that district.

Q. Did you give him the information you had obtained the night of election or the morning afterwards?—A. I undoubtedly called his attention to the original returns as indicated at Democratic headquarters and at the Record office.

Q. Did you draw the attention of the court to that matter at the time you attended the official count?—A. We called the attention of the court to no apparent change or correction in the official count.

Q. Why not?—A. After the first 8 or 10 districts.

Q. Why not?—A. We concluded it was a useless task to bring the matter to the attention of the court.

Q. Why?—A. Not much ever comes out of those exceptions which are presented to the court in the canvass of the vote.

Q. Hadn't you had experience? You attended the official count before.—A. I had been a canvasser once or twice myself.

Q. Did anyone on behalf of your brother ever call the court's attention to this apparent change in these returns?—A. I think not.

Q. Did you ask for that election board to be brought in?—A. I don't know. The record is the best evidence.

Q. Did you not ask for a recount in that district?—A. I did not.

Q. What was the vote for Tener in that district as you first got it?—A. I didn't take a memorandum of that.

Q. You had most of the complete returns that night?—A. Yes, sir.

Q. Where are they?—A. I couldn't tell you.

Q. Weren't you tabulating that night?—A. Yes, sir; and the tabulations were prepared and completed and in my hands the day after election, but where they are now I can't tell.

Q. And your tabulations showed your brother was elected?—A. Yes, sir; the tabulations indicated my brother's majority of some two or three hundred, as the returns showed at that time.

Q. How many districts did you have in that tabulation?—A. The seven legislative districts.

Q. How many polling places?—A. The polling precincts we had were enough to indicate to us in the seventh or in the seven legislative districts what the vote was. In some of the rural districts where the vote was very small we had no returns.

Q. Can you tell me now, out of the 310 polling places in Luzerne County, how many returns you had at Democratic headquarters that indicated to you your brother was elected?—A. No, sir.

Q. Did you have 200?—A. We had very close to the full return when I finished my tabulation.

Q. You had gone to the expense to have the returns sent in by telegraph from the outside districts?—A. Telephone and messenger.

Q. In the morning after election—in the early morning after election you had practically what you considered a complete return?—A. We had by comparison by the official—by the returns at the Record office, and we had at Democratic headquarters what we considered sufficient to indicate the election of my brother.

Q. What do you mean—from the great number of districts in which you had received returns that night which you had tabulated you approximated or had it approximated what the vote would be in the outstanding districts?—A. No, sir.

Q. From former returns?—A. No, sir.

Q. Well, then, how did you arrive at your brother's majority of some two to three hundred?—A. The first legislative district was given, and it showed a majority of 571 for Bowman. This information likely came from the chairman in the first legislative district, and that was a majority of five or six hundred for the Republican candidate in the first legislative district. That return, as I remember it, subsequently changed until it was up to 1,100.

Q. Did you have a complete return from the first legislative district?—A. I think Mr. Bigelow gave us that. He had the complete return, as he advised me over the telephone.

Q. Mr. Bigelow is an attorney at this bar and was a witness in this case?—
A. Yes, sir.

Q. And he was chairman of the first legislative district?—A. Yes, sir.

Q. You now say the figures given to him and afterwards given to you by him and the figures subsequently returned to the court showed a difference in Bowman's majority of 500?—A. Yes, sir.

Q. Did you or Mr. Bigelow ever take any action to investigate it?—A. I don't know what his action was.

Q. When you found these returns from the certified returns giving Mr. Bowman a much larger majority in the first legislative district, did you take this matter up with Mr. Bigelow?—A. My recollection is that I talked to John Bigelow about the matter afterwards.

Q. When?—A. I can't say just when.

Q. About how long after the election?—A. I can't say.

Q. What did you say to him about it?—A. He told me that his returns as first given to me showed a variation from the returns which were afterwards counted by the court, as I told you.

Q. At that time, when he told you this, didn't you ask him if he had his returns by voting precincts from the districts in his community?—A. I don't remember asking him that.

Q. Didn't you discuss with him this large variation?—A. Yes, sir; I believe I did on it; I undoubtedly did. He said that returns are given to his office—he said that the returns as given at the official count showed a considerable difference from the returns as given to me by him.

Q. How did Mr. Bigelow explain that?—A. I don't think he ever attempted to explain it.

Q. To your knowledge Mr. Bigelow had lived in the community of Hazleton for a great many years?—A. Yes, sir.

Q. And he has been a candidate for Congress?—A. Yes, sir.

Q. He is particularly accurate in the trial of cases?—A. Yes; he is a very good trial lawyer.

Q. Didn't you and he attempt to find the discrepancies in the returns?—A. I don't remember of having discussed the matter outside of what I have just designated with Mr. Bigelow.

Q. Did you get any other returns on the night of election or the morning afterwards from Daniel McKelvey about this legislative district as to the result?—A. I think Mr. McKelvey, along with Mr. Bigelow, gave me those results.

Q. You know Mr. McKelvey to be a very shrewd politician?—A. I knew him to be a candidate for assembly in the first legislative district.

Q. Did he point out to you where there were any discrepancies in the returns?—A. I don't believe—I don't remember that we talked about the matter.

Q. You didn't send for him?—A. I never took the matter up with him.

Q. In the morning of election or the morning after election, about 3:30 or 4 o'clock in the morning, you were quite certain your brother was elected from the figures you received?—A. Yes; and so was everybody else.

Q. You had tabulated the returns?—A. Yes, sir; and my recollection is that my brother was 200 or 300 ahead of Mr. Bowman.

Q. On the morning after election, say 9 or 10 o'clock, the Republicans were claiming the election of Mr. Bowman?—A. Yes, sir; I heard Jonathan R. Davis had claimed the election of his candidate at 10 or 11 o'clock in the courthouse.

Q. Did you still have the report that you had tabulated the night before?—A. I had the lists subsequent to that time.

Q. You had them during the official count up in this courthouse?—A. I think I had those tabulations at that time.

Q. Then, wherever you discovered discrepancies between the reports that you had received the night before election, or I mean the night of election and the morning after election, did you call the attention of the court to these discrepancies?—A. Ceased calling the attention of the court to the specific election returns after fourth or fifth or sixth precincts had been returned.

Q. Is this a fact, that while you sat in the courthouse with your tabulations before you, notwithstanding that gross violations upon the returns did appear, from what you considered authoritative source, you sat silent and made no comment to the court?—A. I made no comment.

Q. You made no effort, then, to protect your brother?—A. I made no comment to the court.

Q. Did anyone in your behalf make any comment for your brother?—A. No, sir.

Q. You availed yourself of no legal procedure to correct the returns where you found the discrepancies?—A. The matter was not brought to the attention of the court as the returns were presented.

Q. When you found those discrepancies between your list and the list as returned by the court you realized the importance of keeping that tabulation of yours, did you not?—A. I don't know as I considered the value of the tabulations as made by me.

Q. What did you do with them after the official count?—A. I took those papers subsequently to my house.

Q. Your home?—A. Yes, sir.

Q. Why did you take them to your home?—A. They were in my hands when I left the courthouse.

Q. You mean you didn't take them purposely or because you were going home?—A. Yes, sir.

Q. Where did you place them?—A. My recollection is I placed those on my washstand in my bedroom.

Q. Do you recall how long after election you last saw them?—A. No, I don't.

Q. That night you tabulated the returns of the count and in the morning of the official result did you speak of the matter to your brother George?—A. I called up his house at half past 3 in the morning succeeding election and reported to his house. I told them to tell my brother that from our count his election was assured.

Q. I am talking about the Saturday night, the night of Saturday when the court determined the official count. You say you went to his house that night?—A. I think I went to his house—I know I went to his house. I think that I did speak to him of the official count; of that, though, I can't say positively.

Q. Did you take those figures which you had prepared?—A. I think at lunch time on Saturday I left the courthouse and went direct to my home and left the figures there.

Q. You don't know what became of those figures?—A. I will make a careful search for them. My last recollection is that they were on the washstand.

Q. At the time this contest was being started by your brother, the Democratic candidate, did you talk to your brother about the notice of contest? Did you tell him that you thought it advisable to look up those districts, and did you not think that it was necessary to look up those tabulations?—A. I never talked this matter seriously to my brother about this contest.

Q. You are not very serious about this contest?—A. I have absolute faith in its outcome. I feel that there was a gross injustice done at the time of the election.

Q. Can you point to the testimony in the record that gives you absolute faith in this proceeding?—A. I think, gathering together all the evidence which has been presented here, there is sufficient to show gross irregularities and change of the proper result of the election.

Q. Do you mean your absolute faith is the seating of your brother?—A. That which gives me the most faith in its outcome are the attorneys for Mr. Bowman.

Q. Mr. McLean, there is no reason why you can't be a gentleman in those proceedings. You say you have absolute faith in its outcome. Do you object to stating on the record what your judgment is in the matter?—A. No use in interrogating me further as to what I believe will be the outcome.

Q. You have a distinct belief, an absolute belief, but you don't care about stating it on the record?—A. No.

Q. You were absent during all the time your brother took testimony?—A. I was away from the city.

Q. You weren't at a single hearing during the 40 days allotted to your brother for the taking of his testimony.—A. I don't know of attending the hearings.

Q. Where did you get this information which leads you to absolute faith in this matter, from hearsay or on the record?—A. Public opinion.

Redirect examination by Mr. CAMPBELL:

Q. From what you have been reading in the public prints of Luzerne County ballot-box stuffing and changing the election returns are very common practice?—A. I believe so.

Mr. JONES. Objected to.

Q. This practice had reached such a stage in this county, finally, citizens, irrespective of party, banded together and raised funds for the purpose of prosecuting ballot-box stuffers and those members of election boards who took part in those actions?—A. Yes, sir; that is true.

Mr. JONES. Objected to as immaterial and irrelevant.

Q. At their instance the governor of Pennsylvania appointed a prosecuting district attorney for this county to prosecute these men?—A. He did.

Q. And one of those persons who it was said to have benefited by those frauds was the Republican district attorney?—A. There was a Republican district attorney elected at that time.

Mr. JONES. This is all objected to.

Q. And it was common talk in this county at that time that the counsel who were provided for these accused persons were provided at the instance of the Republican district attorney?—A. Yes, sir; I had heard so.

Q. And it was common rumor at that time that the district attorney's office was deeply interested in the outcome and exerted all its influence in the way of having those men acquitted?—A. I am sure I don't know.

Q. But I am asking you about the common report?—A. Yes, sir; it seems to me that it was a common report at that time.

Q. Mr. C. C. Bowman was a member of that committee who raised funds and attempted to prosecute the election officers?—A. I never saw the names of the contributors.

Q. We will put it down on the record that he was. The last election was held Tuesday.—A. Yes, sir.

Q. The court began canvassing the election returns Thursday at 12 o'clock?—A. That is my recollection.

Q. The statute of Pennsylvania, relating to the canvassing of votes, provides that the ballot boxes can not be brought into court or have the vote canvassed except upon evidence of palpable fraud?—A. That is so.

Q. The court interpreted that to mean that there were erasures on the election returns, or that apparently the election returns were not in the same handwriting, or evidence of the fact that the election returns were not in the handwriting of the election officers, and that affidavits would have to be made by counsel interested before the court would consider any objections to the return?—A. The court so stated at the time the election count was in progress.

Mr. JONES. I wish you would put on the record a general objection to all this testimony. First, it is leading; being outrageously so; and, secondly, it is immaterial; and, thirdly, it is not the best evidence in the case, and if there was any interpretation of the court it should be on the record.

Mr. CAMPBELL. When I spoke to the court first relative to the returns being in the handwriting of the election board, the court said before they would send for the election officers and investigate the matter I would have to make an affidavit, or some one interested, that the signatures were not in the handwriting of the election officers. I then advised we should stop making objections for the reason that the objections would be futile under that decision of the court?—A. That is correct. You said so to me.

Mr. JONES. Our objections cover all of that.

Q. Within one hour afterwards the canvassing began. I had been solicited by you to act for your brother, and I withdrew all the proceedings from the court and left the court room?—A. You did.

Mr. JONES. This prosecution of ballot-box stuffers and the appointment of special district attorneys by the governor of the commonwealth, under a statute in such case made and provided, was in the year 1906, was it not?—A. Yes, sir.

Q. That was when Abram Salsburg was the Republican and Prohibitionist candidate for district attorney and Martin Mulhall was the Democratic candidate for district attorney?—A. Yes, sir; that was the time.

(Adjourned until to-morrow a. m., at 10 o'clock.)

SATURDAY, APRIL 22, 1911.

Hearing resumed at 10 o'clock, pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., and John H. Dando, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John T. Lenahan, Esq., John E. Jenkins, Esq., and A. C. Campbell, Esq., counsel for contestant; George R. McLean, contestant, in person.

Notice of Hearing, List of Witnesses, etc.

To GEORGE R. MCLEAN, contestant above named, or Hon. JOHN T. LENAHAN, A. C. CAMPBELL, and JOHN E. JENKINS, Esq., his attorneys:

You are hereby notified that on Saturday, April 22, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's salesroom) in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing of writs of subpoenae and requiring the attendance of witnesses before him as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose names and places of residence are as follows:

Francis Douglas, D. L. Hart, and J. F. Standish, Wilkes-Barre, Pa.; Fred Rodda, Dorranceton, Pa.; Olin Harvey and George Wagner, Wilkes-Barre, Pa.

C. C. BOWMAN, Contestee.

Service accepted April 19, 1911.

GEORGE R. MCLEAN, Contestant.

GEORGE WAGNER, recalled on behalf of contestee.

Examination by Mr. Jones:

Q. You are the deputy clerk of the courts?—A. I am.

Q. How long have you been in the clerk of the courts office?—A. Four years the first Monday of January, 1911.

Q. Have you made a search for the expense accounts as filed in your office, in accordance with the act of 1906, by candidates?—A. I have.

Q. I wish you would tell me what the expense account of the Republican chairman for the year 1906—what expenditures it shows.

(Objected to as immaterial and irrelevant.)

A. Johnathan R. Davis, chairman and treasurer; his receipts were \$4,720 and disbursements \$4,697.79, leaving a balance of \$22.21.

Q. Does that include a contribution from any candidate for Congress?—

A. Yes; B. J. Cobleigh, \$2,000.

Q. Does it include any other contributions from candidates?—A. Yes; Louis Jones, \$800.

Q. What was he a candidate for?—A. It don't say on here, but he was a candidate for prothonotary.

Q. What other candidate was there?—A. Abram Salsburg, \$700.

Q. What was he a candidate for?—A. District attorney.

Q. What other candidate?—A. R. M. Kaiser, \$600.

Q. What was he a candidate for?—A. Clerk of the courts.

Q. Did you find in your office any account filed of Abram Salsburg, showing expenditures in that year, other than the \$500 contributed to the county chairman?—A. I do.

Q. Is that Salsburg's own account?—A. Yes.

Q. Does it include the \$500 paid to Davis?—A. Yes.

Q. What was the total amount of Salsburg's account, including that \$500?—

A. He paid out \$1,582.45. And he had unpaid bills of \$447.35.

Q. Was there any other Salsburg account filed that year?—A. Another one here, of Louis Salsburg.

Q. Whether or not he was treasurer for the Abram Salsburg political committee?—A. It is signed Louis K. Salsburg, treasurer of Abram Salsburg campaign committee.

Q. How much did he spend on behalf of Salsburg?

(Objected to as immaterial and irrelevant.)

A. \$800.

Q. Did you find any expense account of R. M. Kaiser?—A. No; I can't find that.

Q. Have you any docket entry, showing the expense account of Mr. Kaiser for that year?—A. Yes; but that says, "Account filed."

Q. It does not give the amount?—A. No.

Q. Was there a Republican candidate for Congress that year?—A. I don't think there was.

Q. You say there was no Republican candidate?—A. No; not in the Republican column.

Q. On which ticket was Cobleigh, who contributed to the Republican fund, a candidate?—A. I think they called it the "Roosevelt Square Deal" column.

Q. Did Cobleigh's account show any expenditures other than the \$2,000 that he contributed to the Republican chairman?—A. It did.

Q. Is that account in your office?—A. No; I couldn't find that since the time of the audit.

Q. There was an audit of that account?—A. The only thing we have is the testimony filed by the auditor, and that gives how much he spent.

Q. Have you the auditor's report, showing his findings as to the expenses of Cobleigh?—A. Yes, sir.

Q. Turn to that. [Witness refers to papers.]

Objected to as immaterial and irrelevant.

Q. What is the order on the outside? When was that confirmed?—A. It says, "Now, 22nd March, 1909, the within report is confirmed. By the court."

Q. That is signed by the court?—A. Yes.

Q. I wish you would turn to the paragraph in the auditor's report wherein he finds—read that paragraph of the auditor's report, showing his findings of fact as to the expenses of Mr. Cobleigh.—A. (Witness reading:) "The auditor finds that the amount of election expenses incurred by said candidate as shown by the account was \$5,113. To this may be added a later bill sent by the Record, in addition to the \$165 filed, increasing the amount incurred to \$5,248. There have been bills sent in from the Hazleton Sentinel and Plain Speaker, and the Pittston Gazette, but the evidence does not disclose the amount of the claim of the three papers last named."

Q. Did the Democratic county chairman file any account in your office that year?—A. He did.

Q. Who was the Democratic county chairman?—A. F. C. Kirkendall.

Q. He is now one of the owners of the Times-Leader of this city?—A. Yes, sir.

Q. What does his account show as the amount of his expenditures on behalf of the Democratic candidates?—A. \$6,511.44.

Q. Were there any expense accounts filed by the candidates on the Democratic ticket for that year in your office?—A. There were.

Q. By whom?—A. By Mulhall and Brockway. Neither can I find Mr. Lenahan's.

Q. Have you made a search for the accounts of these candidates—these Democratic candidates—for the year 1906?—A. I have.

Q. Have you been able to find them in your office?—A. I can't find them.

Q. Whether or not you have any record there to show the amount spent by the candidates other than the amount contributed to the county chairmen?—A. I have not. The docket simply shows that the expense accounts were received and filed.

Q. Turn to the year 1907.—A. 1907, those accounts, coming up from the old courthouse to the new, were mislaid. We have made a search for them several times in connection with another case, but the papers are mislaid, but the amounts are copied in the docket I think.

Q. Turn, in your docket, to the account of Jonathan R. Davis, Republican county chairman for that year?—A. Jonathan Davis was treasurer that year of the Republican county committee.

Q. What does the entry show his expenditures to be?—A. The account was filed December 3, 1907, expenses, \$10,420.80.

Q. Who was the Republican candidate for Judge that year?—A. Henry A. Fuller.

Q. In addition to the amount spent by Jonathan R. Davis, that year, whether or not there was any special account filed by any one on behalf of Mr. Fuller?—A. One here from Frank G. Darte, treasurer of the Fuller judicial campaign committee.

Q. Showing the expenditure of how much money?—A. \$1,980.

Q. Now turn to the nominations that year in the Republican Party.

(Objected to as to the expenses of 1908, being immaterial and irrelevant.)

Q. Who were the two candidates for the Republican nomination in the year 1908 for congress?—A. Asher Miner and Henry W. Palmer.

Q. What was the amount of Mr. Miner's expenses for the primaries?—A. \$8,780.56.

Q. What was Gen. Palmer's?—A. \$3,016.64.

Q. Who was the Republican candidate for prothonotary that year at the primaries?

(This is all objected to.)

A. There was no candidate that year for prothonotary.

Q. Turn to the account of the Republican county chairman for 1908. What was the total expenditures shown?—A. \$9,006.09.

Q. Have you the detailed account as filed of the Republican county chairman, Jonathan R. Davis, for the year 1908?—A. Yes, sir.

(Contestee offers in evidence the account as filed or that part of the account showing the receipts and disbursements, as follows:

WILKES-BARRE, PA., December 1, 1908.

Report of campaign receipts and disbursements by Jonathan R. Davis, chairman-treasurer, Luzerne County Republican committee:

RECEIPTS.

Hon. Henry W. Palmer-----	\$3,010.00
Hon. Sterling R. Catlin-----	1,000.00
John W. Griffith-----	1,345.00
Charles B. Smith-----	1,118.00
George Smith-----	801.00
Walter McAvoy-----	801.00
Walter M. McAvoy-----	801.00
County officials and employees-----	615.80
Contributions as per list attached-----	325.00
	<u>9.015.80</u>

DISBURSEMENTS.

Employment of poll men:

First legislative district-----	500.00
Second legislative district-----	420.00
Third legislative district-----	390.00
Fourth legislative district-----	440.00
Fifth legislative district-----	350.00
Sixth legislative district-----	520.00
Seventh legislative district-----	475.00

(This above as per receipts attached.)

Employment of special watchers, as per receipts-----	1,405.00
Dissemination of information-----	1,070.40
Newspaper advertising-----	1,153.98
Printing-----	385.25
Posting cards-----	162.00
Transportation account-----	80.50
Postage-----	122.84
Clerk hire-----	165.00
Headquarters' expense account-----	147.00
Purging registrations-----	120.00
Typewriting account-----	739.60
Stationery-----	37.35
Telephone and telegraph-----	34.17
Public meetings-----	55.00
Contributions to Republican clubs-----	75.00
Rent account-----	84.00
Janitor-----	40.00
Sundry expense account-----	94.00
	<u>9,006.09</u>

Balance on hand-----
Respectfully submitted.

JONATHAN R. DAVIS,
Chairman-Treasurer.

Marked "Contestee's Exhibit V."
(Objected to as incompetent, immaterial and irrelevant.)

Q. Directing your attention again to that account. How much does the account of Jonathan R. Davis show as contributed by John W. Griffiths, candidate for county treasurer?—A. \$1,345.

Q. Turn to the account of John W. Griffiths and show what his total expenditures for that year were?—A. John W. Griffith, \$2,116.97.

Q. That includes the \$1,345 paid to Jonathan R. Davis?—A. Yes.

Q. Turn to the account of Mr. Davis and tell me the amount credited by him to Chas. B. Smith, Republican candidate for register of wills.—A. \$1,118.

Q. Now turn to Smith's account and tell me how much he expended?—A. \$1,567.

Q. That includes the \$1,118 contributed to Mr. Davis?—A. Yes.

Q. Turn to Davis's account again and tell me the amount he received from the two Republican candidates for county commissioner, respectively, George Smith and Walter McAvoyn.—A. \$801.

Q. Turn to the accounts of Smith and McAvoyn and tell me the amounts expended by them, respectively, by their accounts.—A. Walter M. McAvoyn, \$1,241.24, and George Smith, \$1,000.

Q. Those amounts include the amounts paid to Mr. Davis?—A. Yes.

Q. Turn to the nominations for the year 1909. Who was the Republican candidate for the nomination for the office of district attorney in that year?—A. John H. Williams and Abram Salsburg.

Q. What were the expenses of Abram Salsburg, as shown by that account filed in your office for the nomination that year?—A. He paid \$2,614.21, and had unpaid debts of \$1,387.41.

Q. Making a total of \$4,001.62?—A. The total is not made up.

Q. What were Williams's expenses for that nomination?—A. His disbursements were \$3,693.32—that is what he has paid—and unpaid obligations here for which he says, "I have not received bills" in an amount making \$157.10.

Q. Making a total of \$4,120.42?—A. Yes.

(Objected to as immaterial and irrelevant.)

Q. Turn now to the election accounts now for 1909. Turn to the account of William W. Hall, Republican county chairman, and tell me what his expenditures on behalf of the Republican county ticket shows.—A. \$6,363.04.

Q. Does that include the contribution from Thomas M. Powell, the Republican candidate for prothonotary?—A. It does.

Q. How much?—A. \$1,680.

Q. Turn now in your book and show me what the amount was expended by Powell; you can find it easier there than in the accounts.

(Objected to as immaterial and irrelevant.)

A. Thomas M. Powell, \$4,222.99.

Q. That includes the amount of \$1,680 paid to Hall?—A. Yes.

Q. Did Williams, the Republican candidate for district attorney, contribute to Hall; and if so how much?

(Objected to as immaterial and irrelevant.)

A. Yes, \$1,400.

Q. Turn to Williams's account and show what his total expenses were, including that \$1,400.—A. \$4,523.35.

Q. And Kaiser?—A. \$1,120.

Q. He contributed \$1,120 to the county campaign fund?—A. Yes.

Q. Turn to his account and show his expenditures, including that \$1,120.—A. \$3,073.

Q. Were there any other Republican candidates that year?—A. John M. Garman.

Q. Were there any candidates for jury commissioner that year?—A. Robert Bowen.

Q. What was the expense account of the Republican candidate for jury commissioner?—A. Less than \$50.

Q. Turn now to the account of Nicholas Glasser, Democratic county chairman for that year, what does his expense account show?—A. \$3,900.

Q. Did he receive any contributions from Frank McGuigan, the Democratic candidate for district attorney?—A. \$1,500.

Q. Turn to McGuigan's account and show his total expenditures, including that \$1,500.—A. \$3,311.18.

Q. Did Glasser receive any contributions from Henry Walser, the Democratic candidate for prothonotary that year?—A. \$1,800.

Q. Turn to Walser's account and show his expenditures, including that \$1,800.—A. \$3,951.15.

Q. Who was the Democratic candidate that year for clerk of the courts, in opposition to Kaiser?—A. Daniel O'Donnell.

Q. Did he contribute anything to the county fund?—A. Not of record here.

Q. Did he file any account?—A. He did.

Q. What does it show?—A. He spent less than \$50 for the election.

Q. Have you the expense account of George R. McLean, the Democratic candidate for Congress at the last election?—A. Yes; here it is.

(Contestee offers the account in evidence, and asks that the page showing his expenditures and the manner of their expenditure, be transcribed into the record, the same reading as follows:

EXPENDITURES, DISBURSEMENTS, ETC.

July 1 to Nov. 1, 1910: Traveling expenses and personal expenses incident thereto, stationery, postage, telegraph, telephone, expressage, horse and automobile hire.	\$500.00
Oct. 8, 1910: Railroad Employees' Magazine, advertising, \$5; Dallas fair program, \$5.	10.00 32.50
Perry C. Clark, cards, \$7.50; R. Baur & Son, cards, \$25.	
Oct. 11, 1910: W. H. Patterson, distributing cards, \$31.50; scrapbook advertising, \$5.	36.50
Oct. 13, 1910: Scrantonian, advertising.	20.50
Oct. 14, 1910: Square Printing Co., cards.	15.00
Oct. 14, 1910: E. E. Airey, advertising, \$8; Catholic Gymnasium Association program, \$20.	28.00
Oct. 27, 1910: Old home day program, M. F. Koenig.	\$15.00
Nov. 12, 1910: Standard Publishing Co., advertising.	16.50
Nov. 12, 1910: Evening News, advertising, \$62.50; Times Leader, advertising, \$12.50; Dramatic Bulletin, \$4. The Independent, advertising, \$40; Elmira Telegram, advertising, \$39.	79.00
Nov. 23, 1910: Manning Publishing Co., advertising.	20.00
Nov. 28, 1910: Palace program, advertising.	7.50
Nov. 28, 1910: Valley Vigilant, advertising, \$14.80; R. Baur & Son, cards, \$30; Plain Speaker, advertising, \$13.50.	58.30
Courier-Herald, advertising, \$14; W. B. Wheeler, advertising \$25; Elmira Telegram, advertising, \$41.75.	80.75
Tribune Printing Co., advertising, \$3.00; Times Leader, advertising, \$114.85; Square Print Co., cards, \$28.	146.25
Pittston Gazette, advertising, \$13.50; Scranton Times, advertising, \$18; Scrantonian, advertising, \$38.80.	70.30
Sept. 23, 1910: Labor year road card, \$10; W. B. Auto Co., \$26.15;	
Andy Roviak, distributing cards, \$1.50.	37.65
Aug. 5, 1910: C. T. A. U. Itinerary Book, advertising, \$5; Caledonian Club program, \$5.	10.00
July 13, 1910: State Army and Navy Journal, advertising.	17.00
June 28, 1910: Drugas, advertising.	10.00
Nov. 28, 1910: Long & Updyke, Grand & Nesbitt, program, advertising, \$10; Bobby Clark; Freeland parade, \$10.	20.00
Shephard Taxi Co., \$15; Stroh Auto Co., \$26.	41.00
William S. McLean jr., treasurer congressional committee.	3,500.00
Total.	4,860.95

Marked "Contestee's Exhibit W."

Q. That total amount of \$4,860.95 includes the sum of \$3,500 contributed to his brother, as his chairman, don't it?—A. Yes.

Q. Now, turn to the expense account of William S. McLean, jr., and tell me how it is signed.—A. (Reading.) "William S. McLean, jr., treasurer for George R. McLean."

Q. What does it show as his total expenditures?—A. \$3,516.70.

(Contestee offers in evidence the expense account of William S. McLean, jr., particularly as to the page showing the contribution from his brother and the manner of his disbursements, and the same is read into the record, as follows:

COMMONWEALTH OF PENNSYLVANIA.

I, William S. McLean, jr., treasurer for George R. McLean, candidate for election, December 8, 1910, of Congressman in Luzerne County, certify that the following is a full, true, and detailed account of every and each sum of money contributed, received, or disbursed by me, and of my unpaid debts and obligations, for the purpose of securing or in any way affecting his election to such office, in accordance with the requirements of the act entitled "An act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed," etc., approved March 5, 1906.

RECEIPTS, CONTRIBUTIONS, ETC.

Received from George R. McLean for expenses in congressional campaign..... \$3,500.00

EXPENDITURES, DISBURSEMENTS, ETC.

[To whom paid or promised.]

John Bigelow, Esq., poll men, first district.....	\$490.00
John Bigelow, Esq. special watchers, first district.....	60.00
Roger Devers, Esq. special watchers, first district.....	100.00
Wm. S. McLean, Jr., poll men, second district.....	270.00
Geo. F. Buss, poll men, third district.....	400.00
Geo. F. Buss, registration, Pittston City.....	100.00
Hon. M. J. Healey, special poll men, Avoca.....	30.00
James J. Judge, special watchers, third district.....	150.00
R. B. Sheridan, Esq., poll men, fourth district.....	310.00
J. J. Moore, Poll men, fifth district.....	315.00
B. W. Davis, Esq., poll men, sixth district.....	40.00
C. M. Honeywell, poll men, sixth district.....	90.00
T. P. Mackin, poll men, sixth district.....	20.00
Thos. Walsh, poll men, Kingston.....	5.00
Jos. Freeman, poll men, sixth district.....	100.00
W. J. Butler, Esq., poll men, seventh district.....	450.00
W. J. Butler, Esq., for registration, city of Wilkes-Barre.....	250.00
Mose Solomon, special watchers.....	160.00
Frank W. Kreig, advertising.....	15.00
Elmer Wilman, advertising.....	20.00
Telephone at Democratic headquarters.....	6.75
Courier-Herald, printing specimen ballots.....	12.00
Western Union Telegraph Co., for election returns.....	25.00
Geo. Riley, constable, one-half of expenses in serving process obtaining witnesses, etc., in purging list, Hazle Brook.....	15.00
W. J. Butler, Esq., for expenses in preparing poll books, city of Wilkes-Barre.....	34.95
Jrise's auto garage, automobile hire.....	18.00
Total.....	3,516.70

WILLIAM S. MCLEAN, Jr.
Treasurer for George R. McLean.

STATE OF PENNSYLVANIA, County of Luzerne, ss:

Personally appeared before me the above-named William S. McLean, jr., who made oath that the foregoing statement by him signed, is in all respects a full, true, and detailed account, to the best of his knowledge and belief.

WILLIAM S. MCLEAN, JR.

Sworn to and subscribed before me this 8th day of December, A. D. 1910.

R. M. KEISER, Clerk Q. S.
Per GEO. WAGNER, Deputy Clerk.

(Marked "Contestee's Exhibit X.")

Q. Now turn to the account of John J. Moore, treasurer of Asa K. De Witt, Democratic candidate in the twentieth senatorial district at the last election.

Whether or not it shows an expenditure to William S. McLean there of \$270?—
A. It does, on November 4, 1910.

Mr. LENAHAN. The testimony offered by the counsel for the contestee as to the expenditures for the years preceding 1910 by the Republican candidates is objected to for the reason that it is immaterial and irrelevant, and, second, as counsel for the contestee states, these accounts have been offered for the purpose of showing that the Republican candidates did not spend in 1910 as much as was spent by them during the years referred to in the offers. It is no justification that because large sums of money were raised and used by the Republican candidates for the purpose of corrupting the voters of Luzerne County during these years that they are justified in expending almost equally large sums of money in the year 1910 for the same purposes, to wit, that of corrupting and polluting the ballot boxes and buying the electors of Luzerne County.

By Mr. JONES:

Q. Since 1906 have any audits been asked for for any of the accounts, as provided for by the act of 1906?—A. One, since 1906.

Q. Whose account was that?—A. John H. Williams.

Q. The exceptions were dismissed, were they not?—A. Yes; the exceptions were dismissed.

Cross-examination by Mr. LENAHAN:

Q. The exceptions were dismissed in the case of Williams, because arrangements were made between Williams and a gentleman who alleged that Williams promised to appoint him one of his assistants; did you hear that?—
A. No; all I know about it from the opinion. It was dismissed on account of the signers; there were five signers to the petition, and one was not a voter.

Q. They were dismissed on technical grounds, were they?—A. Yes; by the opinion of Judge Fuller.

Q. The law of Pennsylvania requires that five qualified electors shall sign the exceptions, don't it?—A. That is the way that I understand it.

Q. And these exceptions, then, were dismissed because of the five who signed the exceptions to Williams; one of them was not a qualified voter, only four of them were qualified voters?—A. It was.

Redirect-examination by Mr. JONES:

Q. In 1906 exceptions were filed to a great number of the expense accounts of a number of the candidates, were there not?—A. Yes, sir.

Q. And auditors were appointed and hearings had?—A. Yes.

Q. And the exceptions were dismissed on all the accounts, after full hearings?—A. I understand they were all dismissed except that of Cobleigh, candidate for Congress.

Recross-examination by Mr. LENAHAN:

Q. There were no exceptions filed, as far as you know, that year to any of the accounts of any of the Democratic candidates, in 1906, were there? So far as the record shows?—A. If I remember rightly I think there was as to one, and it was then withdrawn.

Q. Who?—A. John T. Lenahan, candidate for Congress.

Q. Does the record show that exceptions were filed to my account?—A. I think it does.

Q. And they were withdrawn the day they were filed?—A. I think it was; yes, sir.

Q. Do you know how much that account showed that I spent?—A. I don't know.

Q. It was not over \$2,000, was it?—A. I don't think it was.

Redirect-examination by Mr. JONES:

Q. Was it itemized, or was it in one lump sum of \$2,000?—A. I couldn't remember that.

Recross-examination by Mr. LENAHAN:

Q. In 1906 the Republicans had a split in the convention, Cobleigh claiming that he was nominated, and Palmer declaring that he was nominated; isn't that so?—A. Yes.

Q. And when they went down before the tribunal in Harrisburg fixed for the determination of that question, it was decided that neither one of them got the nomination, wasn't it?—A. Yes.

Q. And then Cobleigh ran on the Roosevelt Square Deal ticket?—A. He did. Q. And became a part of the Republican organization that was running the Republican candidates for that year, didn't he?—A. He did.

Q. Cobleigh is a coal operator, isn't he?—A. He is a doctor, I believe.

Q. Does he practice his profession?—A. Not that I know of.

Q. He is interested in a large coal operation here, one of the largest coal companies in this valley, known as the Kingston Coal Co., isn't he?—A. I don't know as he is, but I understand that his wife is.

Q. She is one of the largest stockholders in that coal company?—A. Yes.

Q. Now, in 1908 Palmer was a candidate on the Republican ticket for Congress, was he?—A. He was; yes, sir.

Q. Palmer has been for years a corporation lawyer here, representing many of the coal companies, hasn't he?—A. He has represented some I know, but I don't know how many.

Q. He has represented almost of them—almost all of them, has he not?—A. I guess so.

Q. The Lehigh Valley Coal Co.?—A. I heard say so, but I don't know.

Q. The Pennsylvania Railroad?—A. Yes; I heard he was their counsel.

Q. The Lehigh & Wilkes-Barre?—A. I heard he was, but I don't know.

Q. The D., L. & W.?—A. I have never heard of the D., L. & W.

Q. The Central Railroad of New Jersey?—A. I never heard of his being for the Central Railroad.

Q. And also the Pennsylvania Coal Co.?—A. I always thought he was.

Q. And the coal companies and corporations have always taken an interest in his candidacy, haven't they?

Mr. LENAHAN. When I put the question to this witness counsel for the contestee says he don't know that.

Mr. JONES. Counsel for contestee made this statement for the apparent reason that the witness would have no knowledge except from hearsay. And at any rate it is entirely immaterial to this issue. If he wants to say it let him say it.

Q. That is the report, isn't it, that the coal companies and corporations have always taken an interest in his candidacy, have they not? That has been the very common report?—A. Well, not any more than I heard in other cases.

Q. What other cases?—A. When you ran for Congress.

Q. Do you mean to say that they took the same interest in my candidacy from common report that they did in Gen. Palmer? From report?—A. From some reports; yes, sir.

Q. From whom did you ever hear that? I would like to know what companies were working for me.—A. Well, I happened to be working for Coxe Bros. & Co. at that time and some of the people there came around and asked us to support you.

Q. Who asked you to?—A. I think it was Gus Drake and—well, Drake was one.

Q. Were you working for him?—A. No.

Q. How far away from where his works are were you working?—A. About 4 miles.

Q. In the same township?—A. Yes; Hazle Township, eleventh district.

Q. Did any of the Coxes ask you to vote for me?—A. No; that was controlled by the Lehigh Valley at that time.

Q. Did anyone connected with the Lehigh Valley ask you to vote for me?—A. I think it was; but I don't remember who; I know Walt Richards told me he was approached.

Q. Tell me who of the Lehigh Valley approached you.—A. I think it was the master mechanic there at that time.

Q. Who is he?—A. Belch.

Q. Where does he live now?—A. In Roundtown, I think.

Q. He don't live in this section now?—A. Not now.

Q. Tell me somebody in this section who asked you.—A. I don't know; they didn't speak to me personally.

Q. I asked you who connected with the Lehigh Valley asked you to support me.—A. I told you Belch. He was master mechanic, and I think he told me that the man higher up spoke to him.

Q. Who did he tell you at that time, higher up, asked him to support me?—A. If I remember, it was Tom Coyle or some of those fellows. I think it was some of those men.

Q. Will you please tell me who was the person higher up that he told you was interested in my candidacy?—A. I really can't remember any more.

Q. I thought not. I would like to find out who these fellows were.—A. You had some good friends down there, just the same.

Q. You were not clerk of the courts at that time, were you?—A. No, sir.

Q. You have presented here an account filed by Kaiser, as the Republican candidate for clerk of the courts in 1909?—A. Yes.

Q. Does that include the expenditure of all his moneys?—A. That is what he filed; yes.

Q. I am not asking that. Does that include all moneys he paid out, to your knowledge; all moneys paid before the account was filed and all moneys paid afterwards?—A. That is as far as I know.

Q. And you never heard of his paying any moneys except those embraced in that account?—A. There were a lot of rumors.

Q. I am not asking that. I asked if you heard it from him or anybody who knew what he was talking about.—A. I don't know what he spent; only what he filed.

Q. Did you hear that he paid a candidate on the Democratic ticket over \$2,000 to lay down?—A. I heard such rumors.

Q. Is that all you know about it—the rumors?—A. That is all I know about it.

Q. You never heard that from Kaiser?—A. No.

Q. Did he ever talk to you about how much he paid that candidate? Why do you hesitate to answer that question?

Mr. JONES. You don't need to answer anything about your conversations with him if you don't want to.

Mr. LENAHAN. I object to the counsel interfering.

Mr. JONES. This witness was called here to produce record proof, in his clerical capacity as deputy clerk of the courts, and is not bound to answer anything outside of that.

Mr. LENAHAN. This witness has not refused to answer, and if he does it will answer my purposes just as well.

Q. Did he ever talk to you about how much he paid that candidate?—A. If it has nothing to do with this case I refuse to answer.

Q. That is not the question. I want to know whether you refuse to answer that question?—A. On the advice of Mr. Jones, the counsel for the other side, I refuse to answer that question.

Q. On the advice of who?—A. Mr. Jones.

Q. Is he your counsel?—A. No; no more than I heard you tell these men from Plymouth not to answer questions, as far as Moore was concerned, and I take the same grounds.

Q. You refuse to answer that question, do you?—A. Yes; on the advice of Mr. Jones.

Q. You have presented an account here. I will read this account to you. You have presented an account here—

Mr. JONES. I ask the commissioner, now, to instruct the witness on his rights, as this is beyond the scope of cross-examination. He is called here to produce his record; to show what the record shows, and counsel certainly should not be permitted to go outside of the records and cross-examine him as to any knowledge he has on the outside.

Mr. LENAHAN. This witness was the confidential clerk and man of Mr. Kaiser; he is the chief clerk in Mr. Kaiser's office. He has produced here the account of Mr. Kaiser. He has sworn that that account of Mr. Kaiser, so far as he knows, is correct. I now propose to show by the witness that he knows that it is not correct. That is what I am asking him, and I propose to follow it further by showing that Mr. Kaiser gave a Democratic candidate over \$2,000 to lay down.

Mr. JONES. Why don't you produce the Democratic candidate?

Mr. LENAHAN. I don't have to.

Mr. JONES. I now ask the commissioner to instruct him as to his rights.

Commissioner OPP. He can answer if he wishes to.

Mr. LENAHAN. You have testified here that this account of 1909, as filed by Kaiser, of the expenditures of money made by him was, as far as you know, correct. Is that true?—A. I will answer that.

Q. You will answer that yes or no and explain afterwards. Is that true or isn't it, as far as you know?—A. It is true in this manner—

Q. It is true, so far as you know, and in the same question you refuse to testify as to whether Kaiser told you how much money he had given the candi-

date on the Democratic ticket who was running against him. You refuse to testify as to what he told you about that?—A. I am not here for that purpose.

Q. Do you refuse to testify?—A. I refuse to testify to anything only in connection with this case.

Q. That is all I want to know. You know about the vote that was returned from Warrior Run at the primaries, don't you?

Mr. JONES. This is objected to and I instruct you not to answer.

A. No; they didn't come to our office.

Q. What goes through your office is criminal actions?—A. Yes.

Q. You do know that some of that election board, including the judge, were tried and convicted in these courts for fraud in the primary election at Warrior Run. And that that judgment was afterwards affirmed. Affirmed last Monday by the superior court. You know that, don't you?

Mr. JONES. I respectfully submit that this should not be made a farce of. Mr. Lenahan knows that this is entirely and wholly incompetent in this proceeding. You have a way of proving it if it be true, and if any harm was done to your candidate in Warrior Run you have a manner of proving it.

Q. Will you please answer that question.

Mr. JONES. You don't have to answer it.

Q. Will you answer the question? Answer the question I asked you pertaining to the records.

Mr. JONES. Answer the questions he puts to you pertaining to the records you produced, and no other.

A. That has nothing to do with this action.

Q. That is not an answer at all. Do you refuse to answer that?—A. I think we have received some files from the superior court in our office.

Q. Showing that judgment of conviction was affirmed?

(Objected to as the best record of the evidence is the records themselves.)

A. Yes.

Q. Now I wish you would produce before the commissioner here all the accounts as filed by Mr. Bowman. Have you got the primary account filed by him here?—A. No; I haven't any of his here.

Mr. JONES. You have offered that already.

Mr. LENAHAN. Yes; but I want it in this connection. All the accounts as filed by Bowman, both in the primary election and in the general election. Will you please produce them—all the files with reference to C. C. Bowman?

Mr. JONES. This is objected to as not cross-examination, and secondly, it is an attempt on the part of the contestant to produce by means of cross-examination an affirmative proof which, if it be material, should have been produced by the contestant in his case in chief. Third. We object to any account of Mr. Bowman, contestee, showing his expenditures in the primaries, for the reason that such account in any event is immaterial and irrelevant to this issue, no notice of such testimony having been given to the contestee in the notice of contest.

Q. Read the total.—A. (Reading:) "Charles C. Bowman, candidate for nomination for Congress, Luzerne County."

Q. Is that the primary?—A. Yes; for the nomination.

Q. The paper you produce now is a paper showing his account in the primary election as the Republican candidate for Congress?—A. Yes.

Q. And this account purports to have been filed on June 18, 1910?—A. Yes.

Q. And this account shows that in the primaries he spent \$4,475?—A. It does.

Q. What other account has been filed by Bowman?—A. As a candidate for election to Congress.

Q. That is at the general election?—A. That is his account at the general election; yes, sir.

Q. That was filed when?—A. December 3, 1910.

Mr. JONES. The first two objections are now again urged as regards this paper.

Q. And that shows an expenditure of \$7,194.40?—A. Yes.

Q. Have any other accounts been filed by Mr. Bowman in your office, except these two I have called your attention to now?—A. That is all he filed.

Q. Will you turn now to Mr. Davis. Did he file any account for the primaries?—A. Yes.

Mr. JONES. This testimony is all objected to for the reasons heretofore given.

Q. The primary election account of Jonathan R. Davis, as treasurer for C. C. Bowman campaign in the primaries, was filed on the 18th of June, 1910, wasn't it?—A. Yes.

Q. And that shows an expenditure of \$4,383.70?—A. Yes.

Q. And receipts from Mr. Bowman of how much?—A. \$4,400.

Q. Now, the account of Jonathan R. Davis as chairman of the Republican County Committee and manager of Mr. Bowman's candidacy shows how much?—A. Chairman and treasurer, \$9,988.82.

Q. When was that filed?—A. December 3, 1910.

Q. Can you tell from there how much was received from Bowman? What you have before you there does not show how much was received by Davis from Bowman, does it?—A. No.

Q. When was that filed?—A. December 3.

Q. These are the only accounts filed by Davis, that I have called attention to now?—A. Yes.

Q. The primary account and the general election account?—A. Yes, sir.

DANIEL E. THOMAS, called on behalf of the contestee, and duly sworn by Commissioner Opp:

Examination by Mr. JONES:

Q. You are a clerk in the office of the county commissioners of this county?—A. I am.

Q. Whether or not you have made a search in your office for the substitution of Abram Salsburg as a candidate on the Prohibition Ticket for the office of district attorney in 1906, in place of the regularly nominated candidate Agib Ricketts?—A. I have.

Q. Whether or not you have been able to find it?—A. I can't find that.

Q. Whether or not you made a search in your office for the withdrawal of Ira E. Hartwell as the Prohibition candidate for county surveyor of this county in 1907 and the substitution by A. Ricketts and Frank Argust in his place of Fred A. Young?—A. I think I produced that paper, if I remember.

Q. Is this the paper? [Witness shown paper.]—A. Yes.

(Contestee offers the paper in evidence, reading as follows:)

Now, October 21, 1907, Ira E. Hartwell, who had been regularly elected at the primary election the nominee of the Prohibition Party for the office of county surveyor, and he having filed with the commissioners of Luzerne County, by paper dated this day, his withdrawal from the said nomination, thereupon causing a vacancy in the Prohibition ticket thereupon at a meeting of the executive committee of said Prohibition Party, composed of A. Ricketts, Frank Argust, and W. B. Bertels, the body duly authorized to supply vacancies in such nominations, resolved to name in place of the said Ira E. Hartwell, Fred A. Young as the Prohibition nominee for the said office of county surveyor.

A. RICKETTS,

Chairman.

FRANK ARGUST,

Secretary.

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

"A. Ricketts, chairman, and Frank Argust, secretary, being first duly affirmed according to law, depose and say that the facts set forth in the foregoing statement are true and correct.

A. RICKETTS,

Chairman.

FRANK ARGUST,

Secretary.

Affirmed to and subscribed before me this 21st day of October, A. D. 1907. My commission expires first Monday in May, 1910.

[SEAL.]

ALEX RICKETS. *Alderman.*

To the COMMISSIONERS OF LUZERNE COUNTY, PA.:

I, the undersigned, having duly elected as the candidate of the Prohibition Party for the office of county surveyor at the primary election held for the purpose of making such nominations, do hereby withdraw my name as candidate for the office of county surveyor on the Prohibition ticket.

IRA E. HARTWELL.

STATE OF PENNSYLVANIA,

County of Luzerne, ss:

Before me, an alderman of the city of Wilkes-Barre and ex officio a Justice of the peace in and for said county, personally appeared Ira E. Hartwell, and

In due form of law acknowledged the above withdrawal of his name as candidate for the office of county surveyor on the Prohibition ticket to be his act and deed.

IRA E. HARTWELL.

Witness my hand and official seal this 21st day of October, A. D. 1907. My commission expires the first Monday in May, 1910.

[SEAL.] ALEX RICKETTS, Alderman.

(Marked "Contestee's Exhibit Y.")

Q. Whether or not this paper, showing the withdrawal of Thomas Kerr, as a candidate of the Prohibition Party for sheriff in 1907, and the substitution in his place of Fred Rodda by Ricketts, chairman, and Argust, secretary, is also a file in your office? [Witness shown paper.]—A. Yes, sir.

(Contestee offers the same in evidence, reading as follows:

To the honorable the COUNTY COMMISSIONERS OF LUZERNE COUNTY:

DEAR SIRS: I, Thomas Kerr, of the city of Wilkes-Barre, Luzerne County, Pa., duly nominated candidate of the Prohibition Party for the office of sheriff of Luzerne County, at the primaries held in Luzerne County the 1st day of June, A. D. 1907, for the nomination of the candidate for the office of sheriff, to represent said party as its candidate for said office to be voted for at the general election to be held November 5, 1907, hereby respectfully request your honorable board to withdraw my name as candidate of said Prohibition Party for said office.

Witness my hand and seal this 19th day of October, A. D. 1907.

[SEAL.] THOMAS KERR.

In presence of—

P. L. DRUM.

STATE OF PENNSYLVANIA,

Luzerne County, ss.:

On the 19th day of October, A. D. 1907, before me, a notary public, residing in the city of Wilkes-Barre, in the county aforesaid, personally came the above Thomas Kerr, who, being duly sworn according to law, acknowledged the foregoing instrument to be his act and deed and desires that the same be recorded as such.

Witness my hand and official seal.

[SEAL.] P. L. KRUM, Notary Public.
Commission expires May 15, 1911.

To the COUNTY COMMISSIONERS OF LUZERNE COUNTY:

You will please take notice that the undersigned executive committee of the Prohibition Party of Luzerne County, at a meeting duly called and held on this 19th day of October, 1907, every member of the committee being present, have hereby nominated Fred Rodda, whose residence is Dorranceton, in the county of Luzerne, and whose occupation is that of deputy sheriff, as a candidate of the Prohibition Party for the office of sheriff of Luzerne County in the place made vacant by the withdrawal of Thomas Kerr, who was nominated at the primaries held on June 1, 1907, and that said executive committee have authority to make a substantial nomination as aforesaid under the rules of the Prohibition Party.

We also certify that the undersigned, Agib Ricketts and Frank Argust, together with W. B. Bertels, are the only members of the executive committee aforesaid and possess full power to act in the premises.

AGIB RICKETTS, Chairman.
FRANK ARGUST, Secretary.

LUZERNE COUNTY, ss.:

Agib Ricketts and Frank Argust, being duly sworn according to law, depose and say that the facts set forth in the foregoing statement are true, and also that they made affidavit in support of the original certificate of Thomas Kerr, who has withdrawn in favor of said Fred Rodda.

AGIB RICKETTS, Chairman.
FRANK ARGUST, Secretary.

Sworn and subscribed before me this 19th day of October, 1907. My commission expires first Monday in May, 1910.

[SEAL.]

ALEX. RICKETTS, Alderman.

Marked "Contestee's Exhibit A 1."

Q. Whether or not this paper, containing the resignation of William Hosier, Prohibition candidate for the office of recorder of deeds for Luzerne County in 1907, and the substitution in his place by Ricketts and Argust, by resolution of Steven Hartman, is a file in your office?—A. Yes, sir.

(Paper offered in evidence by contestee, reading as follows:

PETITION FOR SUBSTITUTE NOMINATION.

To the COUNTY COMMISSIONERS OF THE COUNTY OF LUZERNE:

Whereas at a regular primary election for candidates of the Prohibition Party William Hosier was regularly nominated candidate for the office of recorder of deeds;

And whereas the said William Hosier, duly nominated as aforesaid for the office of recorder of deeds of Luzerne County, by paper dated 28th day of September, 1907, and herewith filed with the county commissioners of the county of Luzerne aforesaid, has withdrawn his name as said candidate of the Prohibition Party for the office of recorder of deeds as aforesaid;

And whereas the executive committee of the said Prohibition Party is authorized by the rules of said party to make nominations in event of withdrawal of candidates and to fill all vacancies that may occur from any cause whatsoever;

And whereas at a meeting of the executive committee of the said Prohibition Party, held at Wilkes-Barre, Pa., in the county of Luzerne, it was

Resolved, on the 14th day of October, A. D. 1907, by said committee to place Stephen C. Hartman, druggist, residing at No. 26 Gaylord Avenue, Plymouth, in nomination as the candidate of the said Prohibition Party for the office of recorder of deeds of Luzerne County in the place made vacant by the withdrawal of the said William Hosier:

Therefore we, the undersigned, chairman and secretary, duly appointed, representing the executive committee of the said Prohibition Party, present the name of Stephen C. Hartman, whose residence is No. 26 Gaylord Avenue, in the borough of Plymouth, in the county of Luzerne, and whose occupation is that of a druggist, for the office of recorder of deeds of Luzerne County, to be substituted for the name of William Hosier, withdrawn.

AGIB RICKETTS, Chairman.
FRANK ARGUST, Secretary.

LUZERNE COUNTY, ss:

Before me, an alderman of the city of Wilkes-Barre, personally appeared Agib Ricketts and Frank Argust, being two of the members named of the executive committee, respectively the secretary and chairman of said party, who, being duly affirmed according to law, say that the facts set forth in the foregoing paper are true and correct.

AGIB RICKETTS, Chairman.

Affirmed and subscribed before me this 17th of October, A. D. 1907. My commission expires on first Monday in May, 1910.

[SEAL.]

ALEX. RICKETTS, Alderman.

THOS. W. RICKES, Notary Public.

My commission expires January 21, 1911.

Marked "Contestee's Exhibit A 2."

Q. I now show you a paper purporting to be a resignation of Theodore M. Johnson, Prohibition candidate for coroner in Luzerne County for 1907, and the substitution in his place by Ricketts, chairman, and Argust, secretary, of Dr. D. W. Dodson, and ask you if that is a file in your office?—A. Yes.

(Contestee offers the same in evidence, reading as follows:)

PETITION FOR SUBSTITUTE NOMINATION.

To the COUNTY COMMISSIONERS OF LUZERNE COUNTY:

Whereas at a regular primary election for candidates for the Prohibition Party, Theodore M. Johnson was regularly nominated for the office of coroner for Luzerne County, and

Whereas the said Theodore M. Johnson duly nominated as aforesaid for the office of coroner of Luzerne County, by papers dated the ____ day of ____, A. D. 1907, and filed with the county commissioners of the county aforesaid has withdrawn his name as said candidate of the Prohibition Party for the office of coroner as aforesaid, and

Whereas the executive committee of the said Prohibition Party is authorized by the rules of said party to make nominations in event of the withdrawal of the candidate and to fill all vacancies that may occur from any cause whatever, and

Whereas at a meeting of the executive committee of the said Prohibition Party held at Wilkes-Barre, in the county of Luzerne, it was

Resolved, On the 19th day of October, 1907, by said committee to place D. W. Dodson, residing at 130 Prospect Street, Nanticoke, Luzerne County, Pa., in nomination as the candidate of the said Prohibition Party for the office of coroner of Luzerne county in the place made vacant by the withdrawal of the said Theodore M. Johnson.

Therefore, we, the undersigned, chairman and secretary, duly appointed and representing the executive committee of the said Prohibition Party, present the name of Dr. D. W. Dodson, whose residence is No. 130 Prospect Street, in the borough of Nanticoke, Luzerne County, Pa., and whose occupation is that of physician and surgeon, for the office of coroner of Luzerne County, to be substituted for the name of Theodore M. Johnson, withdrawn.

A. RICKETTS, *Chairman.*
FRANK ARGUST, *Secretary.*

STATE OF PENNSYLVANIA.

County of Luzerne, ss:

Before me, an alderman of the city of Wilkes-Barre, personally appeared A. Ricketts and Frank Argust, being two of the members named of the executive committee, respectively the secretary and chairman of said party, who being duly affirmed according to law, say that the facts set forth in the foregoing paper are true and correct.

A. RICKETTS, *Chairman.*
FRANK ARGUST, *Secretary.*

Affirmed and subscribed before me this 19th day of October, 1907. My commission expires first Monday in May, 1910.

[SEAL.]

ALEX. RICKETTS, *Alderman.*

To the honorable the COUNTY COMMISSIONERS OF LUZERNE COUNTY.

DEAR SIR: I, Theodore M. Johnson, of the borough of West Pittston, Luzerne County, Pa., duly nominated candidate of the Prohibition Party for the office of coroner of Luzerne County, at the primaries held in Luzerne County the 1st day of June, A. D. 1907, for the nomination of the candidate for the office of coroner to represent said party as its candidate for said office to be voted for at the general election to be held November 5, 1907, hereby respectfully request your honorable board to withdraw my name as candidate of said Prohibition Party for said office.

Witness my hand and seal this 19th day of October, A. D. 1907.

THEODORE M. JOHNSON. [SEAL.]

STATE OF PENNSYLVANIA.

County of Luzerne, ss:

Before me, a justice of the peace, personally appeared the above-named Theodore M. Johnson, who being duly sworn according to law, acknowledged the above and foregoing indenture to be his act and deed and desires that the same might be recorded as such.

[SEAL.]

JAMES R. EHRET,
Justice of the Peace.

My commission expires first Monday of May, 1909.

Marked "Contestee's Exhibit A 8."

No cross-examination.

GEORGE R. MCLEAN, contestant, recalled by contestee.

Examination by Mr. JONES:

Q. You have already testified that you were taken sick on the night of November 1, were you?—A. On the evening of October 31.

Q. I direct your attention to your check book, which has been produced here for examination, and upon which you have been heretofore examined. After October 31, what is the next check which appears there in your handwriting?—A. November 11.

Q. Give me the dates of the checks consecutively as they appear in that book in your handwriting.—A. November 11 and 12.

Q. How many checks are dated November 12?—A. This [indicating] is in my handwriting.

Q. Then a new handwriting appears on the same date, November 12, doesn't it?—A. Yes.

Q. Whose handwriting is that?—A. My stenographer.

Q. Who signed those checks of which your stenographer wrote the body?—A. I did.

Q. How many are there?—A. Seven.

Q. All dated November 12?—A. November 12.

Q. At whose direction did she write those checks?—A. She brought them down to my house, with the bills that had come to my office and the accounts that had come to my office.

Q. Did you examine these bills and accounts to ascertain their correctness?—A. I looked over the bills.

Q. And you directed her to draw checks?—A. I started in to draw my checks and I drew five, and got in such a condition I could not go further, and had to have my stenographer finish drawing the checks.

Q. Did you sign these checks?—A. I signed them.

Q. Then on November 12 you were in a condition to ascertain the correctness of these accounts and to direct your stenographer to write what you were unable to finish?—A. She told me they were right and I took it for granted that they were right.

Q. How many were for political expenses?—A. She had the bill for those that were political expenses.

Q. And you didn't pay any bill until you ascertained their correctness?—A. I took it for granted that they were correct.

Q. After November 12, when did you next write in that book?—A. November 23.

Q. Was that a political check?—A. That was a political check.

Q. What was the next date in your handwriting?—A. November 28.

Q. And the next?—A. November 28.

Q. And the next?—A. November 28.

Q. How many of these checks did you draw yourself on November 28 in payment of political accounts?—A. Thirty.

Q. On November 28 you drew, then, 30 checks, being payment some for political and some for personal accounts?—A. Barring the accounts of the 1st of November, which I believe were household accounts, and included among these are several political accounts.

Q. When did you next write in your check book?—A. November 30.

Q. How many checks?—A. Three.

Q. The check next appearing is of the date of November 28, is that right?—A. Yes; two.

Q. And they refer to political matters?—A. Yes; both are political.

Q. Were they drawn on November 28? They were, weren't they? Although they were, from the appearance of the book, dated the 30th, they were apparently drawn on the 28th?—A. I may have been drawing on November 30, and then turned over a page and started in a lot of checks and forgotten the date and put November 28. I couldn't account for that in any other way.

Q. When is the next check?—A. December 1.

Q. And your next check?—A. Eight, on December 2.

Q. These checks you now have enumerated are all in your handwriting?—A. Yes, sir.

Q. Except as you indicated before, the seven written by your stenographer?—A. Yes.

Q. What is the next check in your book?—A. December 22.

Q. Were you home from Florida at that time?—A. No; that check was drawn by my brother, as the check itself will show, and signed by me, or rather signed by him for me. "George R. McLean, per William S. McLean, jr." December 22.

Q. What is the next check appearing in your book?—A. One check, December 23.

Q. Was that check drawn by your brother?—A. No; drawn by me.

Q. Were you home by that date?—A. I believe. My recollection now is that this check is likely dated the 23d. I believe it was the day before Christmas that check was drawn, although I am not sure. I don't think I was home then. To the best of my recollection about that check, it was on account of a contract which, I believe, was certified to my office on December 23 as being due, and I presume I took the date of the contract due date and dated the check that same day. It appears to have been paid the 29th. And I was not home on the 23d.

Q. What is the date of the next check?—A. December 27, life insurance policy, and after that, in my stenographer's handwriting, there are 10 checks, on the 28th.

Q. Why do they appear in your stenographer's handwriting?—A. I presume I directed her at that time to draw the checks for my household expenses for November.

Q. And after that the checks appear in your handwriting, do they?—A. No; some don't.

Q. Then at the end of December your stenographer merely made out these checks for your convenience?—A. Well, there was a great number of checks to draw there, and I didn't feel very much like sitting down and confining myself to that work and I had her draw them.

Q. Can you tell me exactly when you reached your home from your southern trip?—A. I believe I did say the afternoon of December 24.

Q. When was the first time, to your recollection, when you did any act in preparation for this contest, after your return home?—A. I couldn't give you the exact date.

Q. About when?—A. I think about December 28. That is the best of my recollection.

Q. From that act can you determine when you decided on a contest?—A. I had the contest in my mind as soon as I could think intelligently from the time I heard the result, and it was only upon the advice of my physician that I was prevented from taking action and considering the matter; but I was trying to keep it out of my mind as much as I could by the advice of my two physicians, but on December 28—I was going to tell you. You asked when I started to take any active steps. On December 28, to the best of my recollection at this time, I consulted my physicians and I still had a considerable sensitiveness where the original trouble had been, and I told him that I believed, if he would permit it, that I would start in on some legal matters I had, not mentioning to him at first what they were, and he advised me then. He said, "You had better delay any activity in business matters for a week or so until I can see you again and have you take this treatment I am giving you and see how you are progressing." And I then said, "Doctor, I would like to go to Washington and do some business down there." And he said, "You had better not go to Washington; you can't go to Washington now." I then simply let the matter rest until, I think, January 2—I believe that was the next time I saw him—and he then said to me that my condition was very much improved, I believe at that time I told him what I contemplated.

Q. On December 28 you went to the Wilkes-Barre Record office, didn't you?—A. Yes; I walked around.

Q. And you obtained copies of newspapers at the Wilkes-Barre Record office on that date?—A. I had Mr. Gering, I think it was, refer to the article in the issue of November 7.

Q. That is the article that has been discussed here relating to the meeting of the Liquor Dealers' Association?—A. That is the article that maliciously and libelously said I was indorsed by the Liquor Dealers' Association.

Q. Did you ask Mr. Gering to correct?—A. I told him there was no truth in it.

Q. And that is the first time that you asked to have a correction made of that article?—A. It was the first time.

Q. And it was corrected by an editorial comment on the following day?—A. A day or two thereafter; yes.

Q. Didn't you obtain back copies of the Wilkes-Barre Record from the office there on that date?—A. No; not to my knowledge; I have no recollection. I believe they had quite a time finding them.

Q. Did you attend the Assembly Dance or the Charity Ball on December 28?—A. No; I don't know what date it was.

Q. Did you attend either one?—A. The Assembly Dance, which occurred this past year on December 30, on Friday. I accompanied my wife to it and brought her home, but I didn't stay there.

Q. Weren't you there at 2 o'clock in the morning?—A. No; I think not.

Q. At what time did you go home?—A. I don't recollect; I went back for my wife, but I wasn't able to stay.

Q. Were you not in the armory, or wherever the dance was held, at 2 o'clock in the morning?—A. I think not.

Q. Can you recall when you left?—A. I left shortly after taking Mrs. McLean.

Q. Can you fix the time?—A. If I fix the time I went.

Q. Can you recall when you came back?—A. I can't recall. I think it was about 9 o'clock.

Mr. LENAHAN. On this occasion we call upon counsel for contestee to produce, before this hearing on the part of the contestee closer, the register of the Hotel Grafton, in which it is alleged by the contestee that George R. McLean and William S. McLean registered on December 1, 1910, in George McLean's handwriting.

Mr. JONES. To which contestee, by his counsel, makes response that the question put to Mr. McLean by counsel as to whether or not he had registered at the Hotel Grafton on December 1 was put to him for the reason that information received from Washington was to the effect that his name and the name of W. S. McLean appeared upon the register of the Hotel Grafton on December 1, and that they stopped there for one day and a half. Counsel for the contestee is now making an investigation of this matter, but if the contestee desires to use this testimony, he will be unable to produce in this county any witnesses from Washington, for the reason that under the statutes governing contested elections the witness is not bound to appear here, but if we desire to take the depositions of anybody pertaining to the Hotel Grafton, at Washington, it will be done a week next Monday, after due notice given to the contestee, at Washington.

Mr. LENAHAN. To which contestant first says that counsel has examined all the testimony on this point, and will show that the counsel for contestee asserted it as a fact, and that he could prove it, that Mr. McLean's name, together with that of W. S. McLean, appeared upon this register in Mr. McLean's handwriting; second, contestant will obviate any necessity of taking testimony in Washington by producing at this hearing, at the request of contestee—reasonable opportunity being given us to bring the register from Washington to Wilkes-Barre—we agree to produce the register of that date here before the commissioners.

Mr. JONES. To which the contestee replies that the register of that date might not be the one necessary to show, because we desire to examine the register for three or four days before and after December 1.

Mr. LENAHAN. We will obviate that by producing the register for 20 days of either way from the date it is alleged that appears there.

Mr. JONES. If Mr. McLean desires to produce this testimony in rebuttal, he may do so.

Mr. LENAHAN. If it is there, we will produce it.

(Hearing adjourned until Tuesday, April 25, 1911, at 10 o'clock a. m.)

TUESDAY, APRIL 25, 1911.

Hearing convened pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., and John H. Dando, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John T. Lenahan, Esq., John E. Jenkins, Esq., and A. C. Campbell, Esq., counsel for contestant; George R. McLean, contestant, in person.

Owing to the counsel on both sides being engaged at this time in court, by agreement of counsel the hearing adjourned until Friday, April 28, 1911, at 10 a. m. in the same place.

FRIDAY, APRIL 28, 1911.

Hearing resumed at 10 o'clock a. m. pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., and John H. Dando, Esq., counsel for contestee; Arthur L. Turner, Esq., commissioner for contestant; John T. Lenahan, Esq., John E. Jenkins, Esq., and A. C. Campbell, Esq., counsel for contestant; George R. McLean, Esq., contestant, in person.

NOTICE OF HEARING, LIST OF WITNESSES, ETC.

Contestee offers in evidence notice of hearing and list of witnesses, as follows: To **GEORGE R. MCLEAN**, contestant above named, or Hon. **JOHN T. LENAHAN**, **A. C. CAMPBELL**, Esq., and **JOHN E. JENKINS**, Esq., his attorneys:

You are hereby notified that on Saturday, the 29th day of April, 1911, at 10 o'clock in the forenoon at room No. 12 (sheriff's sales room), in the courthouse at Wilkes-Barre, and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the Borough of Plymouth, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him, as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose names and places of residence are as follows:

W. S. McLean, sr., Wilkes-Barre, Pa.; **John Wynne**, Jenkins Township, Pa.; **J. F. Standish**, Wilkes-Barre, Pa.; **H. B. Payne**, Kingston, Pa.; **Oscar Smith** and **Jonathan R. Davis**, Wilkes-Barre, Pa.; **C. S. Shephard**, Pittston, Pa.; **W. B. Comerford**, Larksville, Pa.; **W. B. Comerford**, Plymouth, Pa.; **James J. Gallagher**, Larksville, Pa.; **M. W. Gillespie**, Plymouth, Pa.; **C. C. Bowman**, Pittston, Pa.; **W. Alfred Valentine**, Wilkes-Barre, Pa.

C. C. BOWMAN, Contestee.

Service accepted April 27, 1911.

A. C. CAMPBELL,
Attorney for Contestant.

To **GEORGE R. MCLEAN**, contestant above named, or Hon. **JOHN T. LENAHAN**, **A. C. CAMPBELL**, Esq., and **JOHN E. JENKINS**, Esq., his attorneys:

You are hereby notified that on Monday, May 1, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's sales room) in the courthouse at Wilkes-Barre, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may hereafter be subpoenaed and notice of their production given to you before John A. Opp, Esq., a notary public of the State of Pennsylvania, residing in the Borough of Plymouth, in said county, duly commissioned and acting as such, and hereby designated as an officer for issuing writs of subpoena and requiring the attendance of witnesses before him, as provided in sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of the witnesses whose names and places of residence are as follows:

David Walsh, **Edward Walsh**, and **George Kopcho**, Swoyersville, Pa.; **Charles Guscott**, Hazleton, Pa.; **James Brehm**, Upper Lehigh, Pa.; **Lewis Edwards**, Edwardsburg, Pa.; **J. F. Robinson**, Wyoming, Pa.; **Nina J. Robinson**, Pittston, Pa.; **Olin Harvey**, Wilkes-Barre, Pa.

C. C. BOWMAN, Contestee.

Service accepted April 27, 1911.

A. C. CAMPBELL,
Attorney for Contestant.

GEORGE R. McLEAN, contestant, recalled by contestee:

Examination by Mr. JONES:

Mr. MCLEAN. I want to correct my testimony relative to my attendance at the assembly ball in 1910, so that it will read as follows, which are the facts in the matter:

I went to the assembly late in the evening—probably about half past 10 or 11 o'clock, having been in my bed that evening until that time, and returned a short time after supper, probably in the neighborhood of 1 o'clock. I accompanied my wife.

Q. What was the date of that dance?—A. I can't tell you the date exactly; I think it was the last Friday of the year—I think December 30—Friday.

Q. When did you first consult with counsel with reference to the starting of this contest?—A. It was January 2, 1911.

Q. Did you draw your notice of contest yourself or was it drawn for you by counsel?—A. In consultation with counsel.

Q. You filed some receipts, after the filing of your account and prior to the institution of this contest in the office of the clerk of the courts, didn't you?—A. I don't recall whether they were receipts of my personal accounts or whether they were receipts of William S. McLean, Jr. There were two receipts which had been accounted for in the account which were filed probably about the 2d or 3d of January.

Q. When did you obtain those receipts?—A. They had been in my office, so my brother informed me, for a long time.

Q. Did you file one or two receipts in the office of the clerk of the courts?—A. To the best of my recollection only two, but it may have been three. It was very few, and they were matters which had been accounted for specifically in the accounts filed.

Q. In your account showing an item of \$26.15 to the Wilkes-Barre Auto Co., how was that paid?—A. Paid by check.

Q. When was that dated?—A. September 6, 1910.

Q. And what was the amount of that?—A. \$26.15.

Q. You say that the first time you consulted with counsel relative to the institution of contest proceedings was on January 2?—A. To the best of my knowledge and belief.

Q. And you filed your notice of contest, as has already been shown, on January 14?—A. My notice of contest was prepared on January 11, 1911, but because of the absence of Mr. Bowman from his domicile it was not served until January 14, upon his return from Washington, I was informed. He told me he had been there.

Q. Was the notice of contest prepared upon the date which appears upon the notice, to wit, January 11?—A. It was prepared prior to that time, possibly prepared the Monday preceding that—that is, finally prepared.

Q. Had you, prior to your leaving on your southern trip, made an examination of the law, or had anyone made it for you, as to the time within which a contest should be instituted under the act?—A. No one had made such an examination, for the reason that when I asked my physician whether or not I could not consult with counsel to take care of my affairs he told me no—positively. I had no opportunity to consult with counsel, by advice of my physician.

Q. Did you know of your own knowledge the time fixed by the statute?—A. I had no knowledge of the law relative to contests.

Q. When did you first ascertain the time?—A. On or about the 2d of January, when I started to look up the law relative to the method of procedure, I discovered that there was a statute providing that contests should be brought within 30 days after the promulgation of the official count.

Q. Why didn't you, if, as you have already testified, you had in mind a contest from the day after election—why didn't you direct your brother, who had been active in your behalf in the election, to prepare the necessary facts to be incorporated in a notice of contest?—A. For the simple reason that I had been advised against any activity along those lines, and my brother would not even speak to me about politics from after the election until I got home from Florida. He wouldn't answer a question that I put to him.

Q. Then you made some effort to discuss politics with him, did you?—A. I asked him some casual questions relative to the election, and he refused absolutely to discuss or answer.

Q. When did Roger Devers return to you the \$100 which your brother paid to him?—A. The \$100 Roger Devers never returned to me.

Q. And he still has it?—A. He still has the \$100. When he brought the \$100 to me it was a short time after I had returned from Florida. I may say that during my illness Roger Devers had been at my house several times, but they would not permit him to see me, and when I returned from Florida my stenographer told me of two or three visits of Roger Devers to my office, and afterwards—I think it may have been shortly after the first of the year—January, 1911—Mr. Devers came to my office one afternoon and he said, "I have \$100 of yours," putting his hand in his pocket when he said that, and up until that

time I hadn't even a notion that Devers had \$100 or any other sum, and I said, "What is it you are talking about?" and he said, "\$100 that Bill gave me to spend in the campaign, which I didn't spend." And I said, "What is it? This is the second time in my experience that I have known of money being returned to a candidate"; and he then explained to me that he had been unable to put this \$100 where he expected to put it in employing poll men in the first legislative district, by reason of the fact that an article had come out in the Wilkes-Barre Record of November 7—the day prior to election—stating that I had been indorsed by the saloonkeepers of Luzerne County on the previous Sunday—November 6—as their candidate for Congress. He told me then that he had expected to employ poll men whose standing in the communities had rather been with the temperance element—old friends and schoolmates and associates of his around his home there—and that he had gone down there with the issues of the Nanticoke News of October 14 and October 21, 1910, which issues had in them an article stating—an advertisement and editorial as well—stating that C. C. Bowman was a friend of the liquor interests, and that anything to the contrary was not true, or words substantially to that effect, and that he would be vouched for as such a champion of their cause by such men as the head of the brewing combine in this community (Richard M. Hughes, of Pittston) and one of our leading liquor dealers (John Kehoe, of Pittston). Devers said that the article which appeared in the Record on the date stated had gained wide publicity in the first legislative district, and he was unable to have these men serve as he had at first expected. I told Devers, after he told me his story, that I was about to bring a contest, and that the money would have to be accounted for—as he had received it from my brother—in the proceedings, and that therefore he could account for it when the proceedings came on. Subsequently he came to me and said that he would rather have me, as I recall it, that he would rather have me take that \$100, that he didn't need the money to account for it; and I then told him that I would have a great deal of work in the first legislative district to be performed, such as ascertaining the activities and corruption of mine bosses in that district, the subpoenaing of witnesses, and work along that line, and that I desired that he should give me his assistance and advice in conducting the contest in that community. Subsequently and since my contest has been on he has rendered me a statement of, I believe, \$51 spent out of that \$100.

MR. LENAHAN. In this investigation?

A. Yes; that was spent for services of constables in serving subpoenas in a half dozen or more isolated communities in the first legislative district, and the hiring of teams to take the constables to the places where the subpoenas were served. The \$49, which has not been accounted for by him, is still in his hands, and I propose that it shall stay there to remunerate him for his services rendered to me.

Q. You then expect to pay him that \$49 for his services?—A. Yes, sir.

Q. When did you first consult with Mr. Campbell relative to this contest?—A. I can give you very nearly the exact date. I think it was the day after I had the interview with Mr. Lenahan that I had an interview with Mr. Campbell.

Q. Where did you consult Mr. Campbell?—A. I think I went to his office.

Q. Mr. Campbell has told of an interview with you before you left for Florida that he had with you at your home. What did you talk about with him at that time?—A. No politics. Mr. Campbell, I recall distinctly, came in, I think it was one Sunday evening, and inquired how I was getting along, and he possibly stayed two or three minutes. I recall that Mr. Campbell would not take his overcoat off and the room was very warm. I was up in my bedroom and it was very warm, and Campbell would not take his coat off. I remember that distinctly, because it was very warm in there.

Q. Did you intend at that time to employ him as one of your counsel?—A. As far as I could I was trying to keep these things out of my mind.

Q. Had that gotten into your mind?—A. I can't say now that I had any thought of Mr. Campbell or any other counsel; I am positive that I talked no politics with him.

MR. JONES. Contestee offers in evidence the copy of the Wilkes-Barre Record of the day after election, containing the tabulated list of votes as they had them at that time, merely that it may be used in the argument if desired.

FRED ROLLA, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

- Q. You are the sheriff of this county?—A. Yes.
 Q. Whether or not you have been subpoenaed to produce the ballot box of the fourth district, Pittston Township?—A. Yes.
 Q. Whether or not you have produced that box?—A. I have.
 Q. How did that box come into your custody?—A. By order of court.
 Q. At the time of the official count?—A. Yes.
 Q. Whether or not that box was opened in court by the judges?—A. It was.
 Q. And by whom was it turned over to you afterwards?—A. By the court.
 Q. Whether or not it has been sealed?—A. It has.
 Q. And in whose custody has it been since turned over to you?—A. In my custody.
 Q. Has it since been opened up?—A. No.
 Q. Has the seal been in any way broken or changed?—A. No.

(Counsel for contestee asks that the commissioners mark the box, and that it be left in the custody of the sheriff, to be produced before the committee, if they so desire.)

Box marked by commissioners and returned to sheriff.)

Cross-examination by Mr. JENKINS:

- Q. This is the same box which you produced upon a subpoena from Arthur L. Turner at the time the contestant was taking his depositions, was it?—A. I am not just positive whether it was or not. If I was subpoenaed to have that box before your commissioner, that is the box.
 Q. Don't you recall that you were subpoenaed to produce this same box, the fourth district of Pittston Township, by the contestant?—A. I think that is the box.
 Q. And you produced it there?—A. I did.
 Q. And you then took the position that it had to remain in your custody?—A. Yes, sir.

DANIEL THOMAS, recalled by the contestee.

Examination by Mr. JONES:

- Q. You are a clerk in the county commissioners' office?—A. I am.
 Q. Whether or not you have the returns of the primary vote as cast in 1906 in Luzerne County?—A. I have.
 Q. Turn to the returns of 1907 and tell me whether or not in that year the Prohibition Party voted for and elected a chairman, secretary, and treasurer for their county committee at the primaries?—A. Yes.
 Q. Who was elected county chairman of the Prohibition county committee in the year 1907?—A. Agib Ricketts.
 Q. How many votes did he receive?—A. Forty-one.
 Q. How many votes did Frank Argust receive for secretary?—A. Forty-one.
 Q. How many votes did W. B. Bertels receive for treasurer?—A. Forty.
 Q. Turn to the Prohibition vote that year for judge. How many votes did Fuller receive at the primaries?—A. Fifteen.
 Q. How many did Sherwood receive?—A. Twelve.
 Q. How many did McGulgan receive?—A. Two.
 Q. Whether or not Fuller was the Prohibition candidate that year?—A. He was.
 Q. Turn to the vote for 1909. Who were the candidates at the primaries that year for the Prohibition nomination for judge?—A. John M. Garman and Galus Halsey.
 Q. How many votes did each one of them receive?—A. Six apiece.
 Q. Who were the candidates voted for at the Prohibition primaries for district attorney that year?—A. Abram Salsburg and John H. Williams.
 Q. How many votes did each receive?—A. Salsburg 4 and Williams 9.
 Q. In what colored ink is the Prohibition nominee indicated on there?—A. Red ink.

- Q. Who was the Prohibition nominee for district attorney?—A. John H. Williams.
 Q. How many votes did he receive?—A. Nine.

Q. Who was the Prohibition nominee for prothonotary that year?—A. Thomas Powell.

Q. How many votes did he receive?—A. Eight.

Q. Who was the candidate for clerk of the courts?—A. Robert M. Kaiser.

Q. How many votes did he receive?—A. Seven.

Cross-examination by Mr. CAMPBELL:

Q. In the year 1908 who were voted for for chairman of the Prohibition Party?—A. There was no candidate voted for.

Q. Who was the Prohibition nominee for Congress in 1908?—A. Agib Ricketts.

Q. Who was the Prohibition candidate for county treasurer that year?—A. William B. Bertels.

Q. Who were the candidates for delegate to the national convention of the Prohibition Party for that year?—A. I understand they were all delegates, Frank Argust, William B. Bertels, a fellow named West, and Drury.

Q. Take the year 1908. Who were the candidates in the year 1908 for chairman of the Prohibition Party?—A. No candidates voted for.

Q. Who were the candidates for secretary?—A. No secretary.

Q. Who was the candidate for treasurer?—A. No treasurer.

Q. Turn to 1910. In the year 1910, who were the candidates for chairman of the Prohibition Party?—A. No chairman or officers ran.

Q. For secretary?—A. No secretary.

Q. For treasurer?—A. No treasurer.

Q. Now go back to 1907. In the year 1907 Judge Fuller got the Prohibition nomination for judge?—A. Yes.

Q. Who was the Republican nominee for judge that same year?—A. Judge Fuller.

Q. Turn to 1908. In that year who got the Prohibition nomination for county treasurer?—A. William B. Bertels.

Q. Who got the Prohibition nomination for register of wills?—A. James A. Lewey.

Q. Referring to 1909. In that year who got the Prohibition nomination for district attorney?—A. John H. Williams.

Q. In the year 1909 who got the Prohibition nomination for prothonotary?—A. Thomas Powell, by 8 votes.

Q. Who got the Republican nomination for prothonotary?—A. Thomas M. Powell.

Q. In the same year who got the Prohibition nomination for clerk of the courts?—A. Robert M. Kaiser.

Q. Who got the Republican nomination for clerk of the courts?—A. Robert M. Kaiser.

ELIAS COHEN, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. Turn to the election return for 1906. What was the Prohibition vote for district attorney in the year 1906?—A. Abraham Salsburg, as candidate, 1,134.

Q. What was the Prohibition vote for Louis Jones for prothonotary that year?—A. Eight hundred and three.

Q. And for R. M. Kaiser for clerk of the courts?—A. One thousand and eighteen.

Q. In 1909, what was the Prohibition vote for Palmer for Congress?—A. Five hundred and eight.

Q. And for McAvoys as county commissioners?—A. Three hundred and two.

Q. And for Smith for county commissioner?—A. One thousand one hundred and eighty-one.

Q. And for Griffith for county treasurer?—A. One thousand two hundred and sixteen.

Q. And for Smith for register of wills?—A. Six hundred and fourteen.

Q. In 1907, what was the vote for Stevenson for State treasurer on the Prohibition ticket?—A. Six hundred and fifty-two.

Q. In 1908, what was the vote for judge of the superior court on the Prohibition ticket?—A. A man named Stervin ran and received 835 votes.

Q. In 1909, what was the vote for State treasurer on the Prohibition ticket?—A. Frank Fish, 739.

- Q. What was the vote for auditor general in that year?—A. Eight hundred and thirty-four.
- Q. For judge of the superior court?—A. For the supreme court, Robinson, 788.
- Q. What was the vote for Williams for district attorney in that year?—A. Five hundred and thirty.
- Q. And for Powell for prothonotary?—A. Five hundred and eleven.
- Q. And for Kaiser for clerk of the courts?—A. Six hundred and sixty-three.
- Q. Turn to Butler Township, upper Lehigh district, for the year 1908. What were the votes for the heads of the ticket there—Republican and Democratic?—A. 1908 was a presidential year. For President, Republican, 55; Democratic, 6.
- Q. What was the vote for the presidential year, Republican and Democrat, in Hazlebrook district of Foster Township?—A. One hundred and nine Republican; six Democratic.
- Q. And in the twelfth district of Hazle Township, what was the vote in 1908?—A. That is known as Lattimer; Republican, 135; Democratic, 36.
- Q. And in the third ward of Freeland?—A. Republican, 60; Democratic, 39.
- Q. What was the vote in 1909 in that district?—A. Republican, 44; Democratic, 28; for State treasurer.
- Q. In the second ward, Freeland Borough?—A. Republican, 97; Democratic, 20.
- Q. What was the vote in Jeddo Borough in 1908?—A. Republican, 57; Democratic, 12.
- Q. In the second district of Hazle Township, Ebervale?—A. Republican, 30; Democratic, 43.
- Q. What was the vote for McLean and Bowman in that district?—A. Bowman, 19; McLean, 69.
- Q. Give me the total vote in Freeland Borough in 1908 for both parties?—A. Republican, 591; Democratic, 349.
- Q. Turn to the second legislative district. Give the vote for the north district, Hanover Township, in the presidential year, 1908, for President.—A. Republican, 109; Democratic, 161.
- Q. Give me the McLean and Bowman vote in that district for Representative in Congress.—A. Bowman, Republican, 51; Prohibition, 2; McLean, Democratic, 233.
- Q. Turn to the fourth district of Hanover Township for 1908. What was the vote for the head of the ticket in 1908?—A. Republican, 118; Democratic, 102.
- Q. Give me the vote in 1909 for that district—the vote for district attorney.—A. Williams, 122; McGuigan, 52.
- Q. What was the vote for State treasurer in that district that year?—A. Republican, 118; Democratic, 44.
- Q. Give me the McLean Bowman vote in the same district.—A. Bowman, 41; McLean, 120.
- Q. Turn to the south district of Wilkes-Barre Township and give me the Republican and Democratic vote in 1908 for President?—A. Republican, 135; Democratic, 92.
- Q. What was it in 1909?—A. Republican, 96; Democratic, 65, for the head of the ticket.
- Q. Give me the vote for McLean and Bowman in that district.—Bowman, Republican, 36; McLean, Democrat, 132.
- Q. Give me the first middle district of Wilkes-Barre Township in 1908.—A. Republican, 50; Democratic, 55.
- Q. In 1909?—A. Republican, 53; Democratic, 57.
- Q. Give me the McLean and Bowman vote in that district.—A. Bowman, Republican, 23; McLean, Democrat, 77.
- Q. Turn now to the Republican vote in 1908 in the south district of Parsons Borough. Give the vote there for both parties.—A. Republican, 108; Democratic, 58.
- Q. And in 1909?—A. Republican, 137; Democratic, 75 for the head of the ticket.
- Q. Now give me the McLean and Bowman vote in the south district of Parsons.—A. Bowman, 74; McLean, 135.
- Q. Give me the vote in the north district of Parsons Borough in 1908.—A. Republican, 216; Democratic, 183. That was for the presidential election.
- Q. And in 1909 what was it? For the head of the ticket?—A. Republican, 143; Democratic, 123.
- Q. Give me the vote for McLean and Bowman.—A. Bowman, 86; McLean, 131.

Q. Give the total vote in the borough of Nanticoke for the presidential year.—A. Republican, 1,136; Democratic, 677.

Q. Give the total vote in Shickshinny Borough in 1908.—A. Republican, 187; Democratic, 176.

Q. And in 1909?—A. Republican, 109; Democratic, 85.

Q. Give me the vote for McLean and Bowman in Shickshinny.—A. Bowman, Republican, 92; Prohibition, 10; McLean, Democrat, 174.

Q. Give me the total vote in Edwardeville Borough in 1908.—A. Republican, 813; Democratic, 277.

Q. Give me the Republican and Democratic vote in the fifth ward of Plymouth Borough in 1908?—A. Republican, 142; Democratic, 58.

Q. And in 1909?—A. Republican, 117; Democratic, 77.

Q. Now, give me the McLean and Bowman vote there.—A. Bowman, Republican, 75; Prohibition, 3; McLean, Democrat, 126.

Q. Turn to the sixth ward, Plymouth Borough, for 1908, and give me the vote.—A. Republican, 165; Democrat, 109.

Q. Now, in 1909?—A. Republican, 173; Democratic, 82.

Q. Now, give me the McLean and Bowman vote in that ward.—A. Bowman, Republican, 80; Prohibition, 8; McLean, Democrat, 102.

Q. Turn to the twelfth ward of Plymouth, for 1908, and give me the vote for the head of the ticket.—A. Republican, 93; Democratic, 40.

Q. Now, the year 1909, if you please.—A. Republican, 54; Democratic, 44.

Q. Now, give the McLean and Bowman vote.—A. Bowman, Republican, 29; McLean, Democrat, 61.

Q. Give the thirteenth ward of Plymouth in 1908.—A. Republican 70; Democratic, 26.

Q. And in 1909?—A. Republican, 46; Democratic, 3.

Q. Now give the McLean and Bowman vote there?—A. Bowman, Republican, 17; Prohibition, 1; McLean, Democrat, 52.

Q. Give the total vote of Plymouth Borough in 1908?—A. Republican, 1,471; Democratic, 719.

Q. Give the total vote in the city of Wilkes-Barre in 1908.—A. Republican, 4,988; Democratic, 3,105. That is for President.

Cross-examination by Mr. CAMPBELL:

Q. Parsons Borough is contiguous to Wilkes-Barre?—A. Yes.

Q. Practically a part of this city?—A. The line runs near Parsons.

Q. And Wilkes-Barre Township?—A. That is contiguous to the city of Wilkes-Barre; yes, sir.

Q. And Hanover Township adjoins?—A. Yes; it adjoins Wilkes-Barre city.

Q. And it is for business and all other purposes except municipal matters, practically a part of the city of Wilkes-Barre?—A. The streets of Hanover are a continuation of the streets of Wilkes-Barre.

Mr. JONES. This cross-examination is objected to for the reason that it is not cross-examination on any matter which was brought out by the contestee, the witness being called simply to produce and testify to the record proofs.

Q. Parsons Borough, to which you have testified, is the Parsons Borough which is contiguous to the city of Wilkes-Barre?—A. As I understand it.

Q. And the Wilkes-Barre Township, as to which you testified, is the township contiguous to Wilkes-Barre?—A. Yes.

Q. The borough of Plymouth is about opposite the lower end of the city of Wilkes-Barre, across the river?—A. Yes; it is across the river and a little below; across from Hanover Township.

Q. It is opposite the city of Wilkes-Barre, too?—A. Well, a little below.

Q. Now turn to the year 1908 and tell us what was the total vote of Abram Salsburg, the Republican candidate for district attorney.—A. What was the total vote of Abram Salsburg for district attorney?

Q. Yes; the Republican.—A. Sixteen thousand two hundred and eight.

Q. What was the total Democratic vote of Martin Mulhall, the candidate on the Democratic ticket for that office?—A. Seventeen thousand seven hundred and seven.

Q. Now, then, what was the Prohibition vote for Salsburg?—A. One thousand one hundred and thirty-four; and there was a Lincoln ticket; he had 460 on the Lincoln ticket.

Q. Now, Mr. Cohen, what was the total vote of Homer L. Castle, the candidate for governor on the Prohibition ticket that year?—A. Five hundred and forty-one.

- Q. In the year 1906 the Republican candidate for prothonotary was whom?—
A. Louis Jones.
Q. And the Prohibition candidate was whom?—A. Louis Jones.
Q. And for clerk of the courts the Republican candidate was whom?—A. Kaiser.
Q. And who was the Prohibition candidate for clerk of the court?—A. Kaiser.
Q. In 1907 what was the total vote for the Prohibition candidate for State treasurer?—A. Six hundred and fifty-two.
Q. That was the only State office voted for?—A. Yes.
Q. In that year who was the Republican candidate for sheriff?—A. Fred Rodda.
Q. Who was the Prohibition candidate for sheriff?—A. Fred Rodda.
Q. What was the Prohibition vote for sheriff?—A. Five hundred and five.
Q. The Republican candidate for judge was whom?—A. Henry A. Fuller.
Q. And who was the Prohibition candidate?—A. Henry A. Fuller.
Q. What was his vote on the Prohibition ticket?—A. Five hundred and thirty.
Q. And for the office of recorder of deeds, who was the Republican candidate?—A. Steven C. Hartman.
Q. And who was the Prohibition candidate?—A. Steven C. Hartman.
Q. What was the number of votes cast on the Prohibition ticket?—A. Five hundred and forty-five.
Q. For coroner who was the Republican candidate?—A. D. W. Dodson.
Q. Who was the Prohibition candidate?—A. D. W. Dodson.
Q. How many votes were cast for him on the Prohibition ticket?—A. Five hundred.
Q. Who was the Republican candidate for county surveyor?—A. Fred Young.
Q. Who was the Republican candidate?—A. Fred Young.
Q. How many votes were cast for him on the Prohibition ticket?—A. Four hundred and fifty-eight.
Q. In the year 1908 what was the total Prohibition vote cast for the candidate for President?—A. Five hundred and seventy-two.
Q. For Congress that year who was the Republican candidate?—A. Henry W. Palmer.
Q. And who was the Prohibition candidate?—A. Henry W. Palmer.
Q. How many votes did he get on the Prohibition ticket?—A. Five hundred and eight.
Q. For county treasurer who was the Republican candidate?—A. John W. Griffith.
Q. And for register of wills who was the Republican candidate?—A. Charles B. Smith.
Q. Who was the Prohibition candidate for register of wills?—A. Charles B. Smith.
Q. How many votes did he get on the Prohibition ticket?—A. Six hundred and fourteen.
Q. In the year 1909 the Prohibition candidate for State treasurer received how many votes?—A. Seven hundred and thirty-nine.
Q. And the Prohibition candidate for auditor general received how many votes?—A. Eight hundred and thirty-four.
Q. And the Prohibition candidate for supreme court judge?—A. Seven hundred and eighty-eight.
Q. Those were the only State officers voted for?—A. Yes.
Q. For district attorney who was the Republican candidate that year?—A. John H. Williams.
Q. Who was the Prohibition candidate for district attorney that year?—A. John H. Williams.
Q. How many votes did he receive on the Prohibition ticket?—A. Five hundred and thirty.
Q. For prothonotary who was the Republican candidate?—A. Thomas M. Powell.
Q. And who was the Prohibition candidate for that office?—A. Thomas M. Iowell.
Q. How many votes did he receive on the Prohibition ticket?—A. Six hundred and eleven.
Q. For clerk of the courts who was the Republican candidate?—A. R. M. Kaiser was the Republican and Prohibition candidate.

Q. How many votes did he get on the Prohibition ticket?—A. Six hundred and sixty-three.

Q. And that year what was the vote of John H. Williams as a Republican; how many?—A. Sixteen thousand three hundred and seventy-five.

Q. How many were received by Frank McGuigan, the Democratic candidate?—A. Fifteen thousand one hundred and thirty-five.

Q. And Williams had a majority, not including the Prohibition vote, of how many?—A. One thousand two hundred and forty.

Q. That year, not including the number of votes cast for him on the Prohibition ticket, Powell for prothonotary had how many of a majority over Walser, the Democrat?—A. One thousand seven hundred and two.

Q. And the same year, not including the number of votes cast for him on the Prohibition ticket, what was Kaiser's majority over O'Donnell, the Democratic candidate?—A. Six thousand two hundred and eighty-seven.

Q. In 1908 give me the number of votes on the Prohibition ticket. What was the vote for Palmer for Congress—what was his majority over the Democratic candidate, Bigelow?—A. One thousand nine hundred and fifty-six.

Q. The same year, not including the number of votes cast on the Prohibition ticket, what was the majority of Griffith, the Republican candidate for county treasurer, over Cool, the Democrat?—A. Five thousand four hundred and thirty-nine.

Q. For register of wills, not including the number of votes cast for him on the Prohibition ticket, what was the majority of Smith, the Republican candidate, over Keating, the Democratic candidate?—A. Eight thousand one hundred and ninety-two.

Q. In the year 1907, not including the number of votes cast for him on the Prohibition ticket, what was the majority of Fuller, the Republican candidate for judge, over Hines, the Democratic candidate?—A. Five thousand eight hundred and fifty-nine.

Q. What was the majority of Fuller, the Republican candidate, not including the Prohibition vote, over Hines, the Democratic candidate, for judge, on the United Labor ticket?—A. Five hundred and fifty-seven.

Q. For sheriff, what was the majority of Rodda, the Republican candidate, not including the Prohibition vote, over Fallon, the United Labor and Democratic candidate?—A. Eight hundred and eighty-six.

Q. What was the majority of Hartmann, the Republican candidate for recorder, not including the vote cast for him on the Prohibition ticket, over McKenna, the Democratic and United Labor candidate?—A. Two thousand seven hundred and eight.

Q. For coroner, what was the majority of Dodson, the Republican candidate, not including the vote cast for him on the Prohibition ticket, over Krajewski, the Democratic and United Labor candidate?—A. One thousand seven hundred and seventy-seven.

Q. In the year 1906, what was the majority of Mulhall, Democrat, over Salsburg, Republican and Lincoln candidate?—A. Not counting the Prohibition?

Q. Yes: leave that out.—A. Salsburg, as the Republican and Lincoln candidate, 1,039; Mulhall had more than Salsburg as the Republican and Lincoln candidate.

Q. And Salsburg's Prohibition vote that year was how much?—A. One thousand one hundred and thirty-four.

Q. What was the majority of Henry Walser, Democratic candidate for prothonotary that year, over Louis Jones, Republican and Lincoln candidate; that is, over the Republican, Prohibition, and Lincoln? What was the majority of Walser, Democrat, that year over Jones, the Republican, Prohibition, and Lincoln?—A. Nine hundred and eighteen.

Q. And what was Jones's Prohibition vote?—A. Eight hundred and three.

Q. What was the majority of Robert M. Kaiser, Republican candidate for clerk of the courts, not including the Prohibition vote, over Brockaway, Democrat?—A. Three thousand four hundred and twenty-eight.

Q. In the year 1907, in Warrior Run Borough, how many votes were cast for Homer Castle, the Prohibition candidate for governor?—A. One.

Q. How many were cast for Salsburg in the same district at that time?—A. Seventeen.

Q. In Parsons Borough, south district, in the year 1906, how many votes were cast for Homer Castle, Prohibition candidate for governor?—A. Nine.

Q. And how many for Salsburg?—A. Sixteen.

Q. In Hughestown Borough, how many votes—

Mr. DANDO. This line of examination is objected to as not being cross-examination on any matter brought out from the witness in his examination in chief.

Q. How many votes were cast in Hughestown Borough for Homer Castle, Prohibition candidate for governor?—A. None.

Q. How many were cast for Lieutenant governor?—A. None.

Q. How many for auditor general?—A. None.

Q. How many for Salzburg, for district attorney?—Eight.

(Hearing adjourned until Saturday, April 29, 1911, at 10 o'clock a. m.)

SATURDAY, APRIL 29, 1911.

Hearing resumed at 10 o'clock a. m., pursuant to adjournment.

Appearances: John A. Opp, Esq., contestant's commissioner; Evan C. Jones, Esq., and John H. Dando, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John T. Lewellen, Esq., John E. Jenkins, Esq., and A. C. Campbell, Esq., counsel for contestant; George R. McLean, contestant, in person.

M. B. COMERFORD, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. Where do you live?—A. Larksville Borough.

Q. What is your occupation?—A. School-teacher.

Q. How much money did you receive and handle during the last congressional campaign on behalf of the Democratic candidate?—A. I received \$20 from McLean to be used exclusively for McLean.

Q. Did you receive \$40 from John Moore to be used for both candidates?—A. I received some money to be used exclusively for De Witt.

Q. Didn't you receive \$40 from John J. Moore to be used in behalf of McLean and De Witt?—A. I didn't receive anything from Moore. I received it from Joseph Lee, secretary of the senatorial committee.

Q. How many watchers did you employ with that \$20?—A. Four.

Q. In what wards?—A. The second and first.

Q. Who were they?—A. James Butler, in the second.

Q. What does he do?—A. He is a carpenter.

Q. Around the mines?—A. No; not around the mines; he is a carpenter and works for contractors; and Joe Carpenter, in the second ward, and Thomas Anderson and James Keating in the first ward. Both of them work in the mines.

Q. What did you do with the \$20 you received?—A. Used it for De Witt.

Q. Weren't the De Witt men to help McLean and the McLean men to help De Witt?—A. If we could possibly get them to do it. I asked them to do it, but I made an understanding that where a man said he would work for De Witt and I asked about McLean and he didn't say anything, and I didn't specify that, I gave him \$5.

Q. How about the other three men that you got to work for De Witt and McLean?—A. I think tha' they worked for both.

Q. Who were they?—A. Thomas Block.

Q. What does he do?—A. He works around the mines—a company hand.

Q. How much did you pay him?—A. I paid him \$12.

Q. Why did you pay him \$12?—A. I thought he had a pretty good pull and might be able to get the vote out. But he got \$10. At first he was glad to take \$5, but he said he didn't think he could do very much work with the \$5, and later in the day he had spent all that money, and he came around and I gave him \$2 more.

Q. He spent that \$10 during election day, you say?—A. I don't know when he spent it.

Q. But he came around for \$2 more?—A. He asked me if I had any more money.

Q. What time on election day did he ask you that?—A. About 5 o'clock in the evening.

Q. And then you gave him \$2 more?—A. Yes.

Q. What did you give him the other \$2 for?—A. He said he didn't have no money.

Q. You were paying him for his work, weren't you?—A. Yes.

Q. Why did you give him \$2 more after you gave him the \$10 for his work?—A. He came and said he was out of money and would like some more, and I gave him \$2 more.

Q. What was he doing with this money; buying drinks?—A. I don't know whether he bought drinks or not; he bought cigars, I know that.

Q. To give out to the voters?—A. I don't know; I don't think so.

Q. What was he doing with them?—A. I didn't ask him.

Q. How many dollars' worth of cigars did you see him buy?—A. I saw him buy a 5-cent cigar, and saw him go into a number of cigar stores, but I don't know whether he bought any there or not.

Q. Were you there on election day?—A. After school.

Q. What cigar stores did you see him go into?—A. Tom Grimes's and Mrs. Dugan's.

Q. Do they keep anything else besides cigars?—A. No; cigars, tobacco, candy, and they both have pool rooms.

Q. What does he do around the mines?—A. He is a company hand and works outside.

Q. Don't you know what he does?—A. I don't know what he does. I couldn't tell you what kind of a job he has. Sometimes he is driving team.

Q. What did you do with the other \$3?—A. I gave him another \$5 to employ Stanley Wilkes, and he did it.

Q. Who is Stanley Wilkes?—A. A miner.

Q. He works around the mines?—A. Yes, that was for De Witt.

Mr. LEAHAN. We ask to have this testimony stricken from the record, for the reason that it is not pertinent under the pleadings.

C. S. SHEPARD, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. What is your business?—A. I run a taxicab service.

Q. Where do you live?—A. West Pittston.

Q. And you have a taxicab service in Pittston City, have you?—A. Yes.

Q. Do you remember the taxicab you sold to a man named Meekins, of this city?—A. I do.

Q. Who was backed by Jonathan Davis?—A. Yes.

Q. You know Davis, do you?—A. That is the only time I met him.

Q. How long did you have that taxicab?—A. Possibly six months.

Q. How much did you sell that taxicab for?—A. \$600.

Q. How much did you pay for the taxicab when you bought it?—A. \$600.

Q. Whether or not you put improvements on it before you sold it?—A. If you are an automobile man you will know what it costs to keep these things up.

Q. Who paid you for that taxicab?—A. I was paid \$5 at first by Meekins.

Q. You had a written agreement with Meekins?—A. Yes; and then I was paid \$50 by Meekins.

Q. Making at total of \$55 by Meekins?—A. Yes; and then I was paid a check for \$245 from Jonathan R. Davis, and was also paid a note of \$300 from Jonathan R. Davis.

Q. That was the note which Robert Johnson said you turned over to him?—A. Yes; I turned it over to him in payment for another machine, making a total of \$600.

Q. Did you tell Robert Johnson that the machine was in such bad shape that you were afraid that you couldn't get it down from Pittston to Wilkes-Barre?—A. No.

Q. Whether or not it was in good running shape?—A. It was.

Q. Before Meekins bought it what test was made?—A. He was an expert automobile man himself.

Q. Did you make any test?—A. He brought Harry Sands, the Mathewson tester, up.

Q. He is a tester for the Mathewson automobile people, who have a factory on the other side of the river here?—A. Yes; and Sands came up and looked the machine over and said it looked good to him, and they wanted a test, and I loaded on seven or eight men and we went around the town and went up Market Street hill on second speed, and we went up flying.

Q. How far did you run the car with Sands?—A. Possibly 20 miles around town, and Sands says to Meekins, "Buy it."

Q. And then you made the arrangement with Meekins to buy it?—A. Yes.

Q. Whether or not you knew that Davis was backing Meekins?—A. Not at that time, and he wasn't at that time.

Q. Whether or not you subsequently learned that he was backing him?—A. Yes; finally.

Q. Did you have an agreement in writing with Meekins?—A. How do you mean? Previous?

Q. Previous to Davis.—A. No. Let me see. If you let me tell you, I will tell you all about it.

Q. Did you have any agreement in writing?—A. Some lawyer drew one up down here—a man with a bald head and red face—McAniff.

Cross-examination by Mr. LEAHAN:

Q. Where did you get this taxicab from?—A. From the Roman Automobile Co., of Philadelphia.

Q. When?—A. About six months previous to the sale.

Q. When did you sell it?—A. I had a fire up there and it destroyed all of my records—all my books.

Q. Tell me approximately?—A. About 13 months ago. I think it was in the latter part of February or the 1st of March a year ago.

Q. In 1910 was it?—A. Yes.

Q. Was it second handed when you got it?—A. Yes.

Q. What did you say the name of the works was that you got it from?—A. The Roman Automobile Co.

Q. What did you pay them for it?—A. \$600.

Q. And you put some money into the machine after you got it?—A. The only thing is that I kept it in repair.

Q. You paid some money in the way of running it?—A. Yes.

Q. And you had it how long?—A. Possibly six months.

Q. Did you run it yourself at all during that time?—A. My chauffeurs run it.

Q. Did you run it?—A. I did, at times.

Q. Don't you know that the machine refused to work on several occasions?—

A. You take any automobile and it will refuse to work—

Q. Answer the question?—A. Sure.

Q. And you were mighty glad to get rid of it?—A. No; I sold it the same as you would sell anything else.

Q. You were mighty glad to get rid of it, were you not?—A. No.

Q. You sold it to Meekins first, didn't you?—A. Yes.

Q. Sold it outright to him?—A. Just as this transaction was—

Q. I am not asking that. Answer my question. You sold it outright to him?—A. The title of the machine went to Jonathan R. Davis.

Q. You sold the machine outright to Meekins?—A. The title of the machine went to Jonathan R. Davis.

Q. I didn't ask you that. You didn't know Jonathan R. Davis in the transaction?—A. I refer to the judge; what would you consider that?

Q. Don't you know to whom you sold it?—A. Meekins came to me and we made an agreement first, and Jonathan R. Davis, when we turned it over—

Q. I am not asking about that at all. When you sold that originally you sold it to Meekins outright?—A. I am trying to answer and you won't let me. I sold it to Jonathan R. Davis, and the title went to Davis. Meekins didn't have the money to pay for the machine.

Q. You are perfectly sober now, are you not?—A. I guess so.

Q. And you understand my question to you?—A. No, apparently; repeat the question.

Q. You have stated here that you sold that machine first to Meekins. You didn't know Davis in the transaction when you sold it, did you?—A. What would you consider a sale? Answer that.

Q. It would take too long. You don't know what constitutes a sale; is that it? When I ask you if you sold that machine to Meekins you say you don't know?—A. I didn't say I don't know.

Q. Did you sell it to him?—A. Will you let me tell you about it?

Q. Just answer.—A. You won't tell me what constitutes a sale.

Q. I can't tell you what constitutes a sale, because I acquired my knowledge, whatever I have, by studying, and I have to get paid. There is no use of your quibbling about it. Come out frankly. That is the way I want you to tell me. Read the question and answer me like a good man.—A. All right.

Q. You are Irish, are you not?—A. Shephard was never Irish.

Q. Now, you have stated here that you sold the machine first to Meekins. You didn't know Davis in the transaction when you sold it, did you? Is that right?—A. That is right.

Q. How much did Meekins agree to give you for it?—A. \$600.

Q. Cash?—A. Cash; it would not go out of my hands but for cash.

Q. He agreed to give you \$600 cash?—A. Yes.

Q. How much did he pay you down?—A. The first day he came to me he gave me \$5.

Q. When did he make the next payment—how long after that?—A. The next payment was made—my memory is not clear, but it was possibly a day or two afterwards.

Q. Where was the machine when he paid you the \$25?—A. You mean the \$5?

Q. No; I mean what I said. Where was the machine then?—A. He never paid me \$25.

Q. I understood you to say he paid you \$5 the first time?—A. No.

Q. He paid you \$5 the next time?—A. Yes.

Q. When did he make the next payment?—A. A day or two after.

Q. How much was that?—A. \$45.

Q. Where was the machine then?—A. In Pittston.

Q. In your possession?—A. It was in my possession and was in Wilkes-Barre when he paid the \$5.

Q. You live in Pittston?—A. Yes.

Q. And when he paid you the \$5 the machine was in your possession?—A. Yes.

Q. What became of the machine when he paid you the \$5?—A. It stayed there until the next day or the day afterwards.

Q. Did he get the machine?—A. My son kept possession of it. I kept it there.

Q. Where?—A. In Pittston.

Q. Then, you had it in Pittston when the \$45 was paid?—A. When the \$5 was paid.

Q. Why don't you answer my question?—A. I am just as clear-minded as you, and I want you to ask me intelligently.

Q. And I want you to answer my question. You say the machine was in your possession when the \$5 was paid?—A. It was.

Q. And a day or so afterwards \$45 was paid?—A. Yes.

Q. And when the \$45 was paid it was in Wilkes-Barre?—A. It came to Wilkes-Barre.

Q. Who had it?—A. My son.

Q. Did he live in Wilkes-Barre?—A. No.

Q. Did he leave it in Wilkes-Barre?—A. No.

Q. What did he do with it?—A. My son brought it down; the agreement was—

Q. I am not asking you what the agreement was. What did your son do with the machine when he brought it to Wilkes-Barre?—A. Kept it and run around the streets with Meekins.

Q. Then he went home to Pittston, didn't he?—A. He run it around the streets with Meekins, collecting the money, such as you and other people contributed to pay for the machine.

Q. What do you mean by that? Are you swearing to the truth?—A. Yes, sir.

Q. Did he come around to me to collect money on that machine?—A. You told me that you gave him \$20.

Q. Did I mention that machine to you?—A. Yes; this morning.

Q. Are you now, sir, under your oath, testifying that I told you that I gave him \$20 on that machine?—A. Yes; you said you bought \$20 worth of tickets.

Q. Was that the machine?—A. Certainly.

Q. What did your son do with the machine after he brought it to Wilkes-Barre?—A. Two days he stayed with Meekins with the machine.

Q. Did he remain in Wilkes-Barre?—A. Yes.

Q. All the time?—A. No.

Q. Did he go home nights?—A. Yes.

Q. Where did he leave the machine nights?—A. In the garage in West Pittston.

Q. He took it back and forth, from Wilkes-Barre to Pittston?—A. Yes.

Q. Was the machine at West Pittston when the \$45 was paid?—A. No; down here.

Q. Who had it down here?—A. My son.

- Q. What time intervened between the payment of the \$5 and the \$45? You say a day or two?—A. Yes.
- Q. What was your son doing with it in Wilkes-Barre when the \$45 was paid?—A. Running it around collecting, or trying to collect, the money that Meekins was to get.
- Q. He had gone to West Pittston to pay you that \$45?—A. No.
- Q. Where did he pay it to you?—A. In McAniff's office.
- Q. Then, Meekins paid you the \$45 in McAniff's office?—A. Yes.
- Q. What did you do with the machine, then?—A. My boy kept it down here for two days.
- Q. Two days after the \$45 was paid?—A. Yes.
- Q. How long did it remain in Pittston?—A. Overnight.
- Q. How long?—A. Until I got the money from Jonathan R. Davis.
- Q. When?—A. On Saturday.
- Q. How long after the \$45 was paid?—A. The next day.
- Q. The next day after the \$45 was paid Davis gave you \$245?—A. Yes; in a check.
- Q. Where?—A. In Davis's office.
- Q. What else did he give you?—A. A note for \$300.
- Q. Was it Jonathan R. Davis's note?—A. Yes.
- Q. Then, did you turn the machine over that day to Davis?—A. Yes.
- Q. Have you seen the machine since?—A. Yes.
- Q. When?—A. One day in Davis's garage here. Where is that?
- Q. I don't know. When did you see it there?—A. Maybe two or three months afterward.
- Q. Where is Davis's garage?—A. I don't know what street it is on, but near the City Hall.
- Q. Who sent you up to see it there?—A. I happened to be there on business and saw the machine lying there.
- Q. You didn't go up to see the machine?—A. No; I had no interest in the machine after it was sold.
- Q. Was the machine lying there?—A. Yes.
- Q. Did you inspect it?—A. No.
- Q. Did you say a word about it, one way or the other?—A. No.
- Q. Have you seen the machine since then?—A. No.
- Q. Do you know whether the machine was used at all after you turned it over to Davis?—A. Yes; he was up in West Pittston one night and I heard it popping awny there. He didn't know anything about it.
- Q. Davis had it in West Pittston?—A. Yes.
- Q. Was it Davis or Meekins?—A. I don't know.
- Q. Didn't you know the man running it?—A. The machine was running along the street and I recognized it.
- Q. Didn't you know the man?—A. No.
- Q. Didn't you inquire who it was?—A. No.
- Q. About how long was that after you sold it?—A. I would say it was a month or so.
- Q. It was popping there, you say, and didn't run well?—A. It didn't run well; no.
- Q. Have you seen it since then?—A. No.
- Q. Do you know what the trouble with it was?—A. I could have soon told if I got at it.
- Q. Did you know that the man was competent to run it?—A. I know that he was not.
- Q. Why?—A. Understand the man was no good.
- Q. How do you know that?—A. I could tell by the condition of the machine. I can tell by the sound of a machine whether it is running all right or not.
- Q. Does that sound indicate an inherent weakness in the machine or in the man?—A. The matter is that there is water in two or three cylinders, and that is not good.
- Q. Might that not arise from a defect in the machine?—A. Yes; because the man don't know how to run it.
- Q. Answer my question. Isn't it a fact that the machine might hop around because of an inherent weakness or defects in the machine?—A. It is possible. It is necessary that it should be given over to an expert.
- Q. Are you not an expert?—A. I am not getting expert pay.
- Q. Are you not an expert?—A. I consider myself an expert.

Q. Then you are competent to give an answer. Answer the question. Isn't it not only possible, but probable, that the machine might have inherent defects that would cause the trouble that you say you saw in this machine?—A. It is possible, but not probable.

Q. At what time of the day was this man running this machine?—A. This man Meekins?

Q. No; in West Pittston.—A. It was after dark.

Q. You were on the street?—A. Yes.

Q. On the sidewalk?—A. Yes.

Q. And you saw the machine going along, did you?—A. Yes.

Q. And stopped to look at it?—A. Of course.

Q. And you saw the man running it?—A. I don't know who it was.

Q. Did you see his face?—A. No; it was too dark to see his face.

OSCAR SMITH, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. What is your occupation?—A. Clerk.

Q. For whom?—A. The Stegmaier Brewing Co.

Q. Did you have any money or spend any money during the last political campaign in behalf of the congressional candidates?—A. No.

Q. Did you employ any watchers?—A. No.

Q. Did you tell anybody that you had employed watchers?—A. No.

Q. Did you tell anybody that you had spent any money?—A. No.

Q. Did you send out any specimen ballots?—A. No.

Q. Did you sent out any antisaloon letters?—A. No.

Q. Are you not a stenographer there?—A. Yes.

Q. Didn't you mail any antisaloon letters last November?—A. No.

Q. Did you see any?—A. I saw one, I think.

Q. Did you have any in your possession?—A. Not to my present recollection.

Q. Did you do any mailing?—A. Most of it, as it generally comes to a stenographer.

Q. You are the only stenographer there?—A. Yes.

Q. And you take charge of the mailing of the letters?—A. Yes; as a rule.

Q. And the Stegmaier Brewing Co. sent out antisaloon league letters through the mail last November?—A. I sent out none whatever.

Q. And to your knowledge Stegmaier sent out none?—A. To my knowledge they sent out none.

JOHN WYNNE, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. Where do you live?—A. Inkerman.

Q. Jenkins Township?—A. Yes.

Q. What is your occupation?—A. Assistant mine foreman.

Q. For what company?—A. Pennsylvania Coal Co.

Q. How many men have you under you?—A. About 350.

Q. Do you know ____?—A. Yes; he is our superintendent.

Q. Is he your superior officer?—A. Yes.

Q. Whether or not you were at the polls working on election day, at the last election?—A. I was.

Q. In whose behalf?—A. McLean's.

Q. George R. McLean for Congress?—A. Yes.

Q. What time did you go to the polls?—A. I was there about 9 o'clock.

Q. How long did you remain there?—A. I stayed there all day.

Q. Did you receive any money?—A. No, sir.

Q. Who asked you to go there?—A. My brother asked me to.

Q. What does your brother do?—A. He is a bookkeeper for the Tuhill Iron Works at Scranton.

Q. Did you not get any money for your day's work?—A. No.

Q. Were you paid by the company for your day that day?—A. I work on a salary; I was to be on the board, and he asked me to work in McLean's behalf, and I resigned off the board.

Q. You were one of the regularly elected election officers that day, were you?—A. Yes; inspector.

Q. And at the request of your brother, who is a Democrat, and a book-keeper of the Tuhill Iron Works, at Scranton, you resigned from the board and took an active interest in Mr. McLean's candidacy?—A. Yes, sir.

Q. And you worked for McLean all day?—A. Yes.

Cross-examination by Mr. LENAHAN:

Q. Your brother is very active in Democratic politics, isn't he, and has been for several years?—A. Yes; he is quite active.

Q. And he is one of the gentlemen that the Democratic organization looks to in that section of the county for getting out the vote, and has for some time?—A. Yes.

Redirect examination by Mr. JONES:

Q. Is your brother a squire?—A. Yes.

Q. Is the brother who asked you to go out and work for McLean a squire?—A. Yes.

Q. Did he tell you that he had received \$65 of McLean's money from McLean's brother?—A. My brother?

Q. Yes.—A. He didn't tell me that.

Q. Did he tell you that he had received any money from McLean?—A. He didn't say anything about money at all.

Q. Didn't he tell you that he had received any from George Buss?—A. No.

Q. Buss swears that he gave John Wynne \$5 for Inkerman. Do you know whether that is so?—A. I never got any money off him.

Q. Do you know any other John Wynne in there?—A. No, sir.

Mr. LENAHAN. We now ask that this testimony be stricken from the record as not pertinent under the pleadings in this case.

J. F. STANDISH, called on behalf of the contestee and duly affirmed by Commissioner Opp.

Examination by Mr. JONES:

Q. You are one of the official court stenographers of the court of common pleas of Luzerne County?—A. Yes.

Q. And of the court of quarter sessions?—A. Yes.

Q. Were you present at the official count of the vote in Luzerne County in the eleventh congressional district, held in this courthouse from the 8th to the 12th day of November, inclusive?—A. I believe so; it was the congressional election.

Q. Whether or not you took notes of testimony in the case of the objections to the fourth district of Pittston Township, known as Brownstown, and the district wherein the vote was finally thrown out by the court?—A. Let me see that. [Witness refers to paper.] Yes; I took the notes in that case.

Q. Have you got here with you a correct transcript of that case, of your notes?—A. They are most carefully transcribed.

Q. Whether or not you compared the transcript, after making it, with your original notes?—A. I believe I did; I usually do. I was very careful with it. These names—I was not certain at the time just what they were, but I thought it was Fleischman at first and then I thought it was Fletcher, and that is the best I could do with it, as the testimony was taken very informally and in a hurry.

Mr. JENKINS. The witness was sworn in the usual position in the court, wasn't he?—A. I think not; I think they stood up in front, rather back in the crowd.

Q. The four judges were sitting at the time?—A. Yes; I was not able to get down all the names.

Mr. MCLEAN. Are you offering this relative to Pittston Township?

Mr. JONES. No.

(Contestee offers in evidence the transcript of the testimony of witness as to the testimony taken there, as follows:

In re Election Returns, Luzerne County, Pa.

COURT ROOM NO. 4,
Wilkes-Barre, Pa., November 10, 1910.

Present: Judges Ferris, Fuller, Garman, and Jones.

The return from Butler Township, Upper Lehigh district, challenged by Mr. Anthony Campbell on the ground that the papers produced to the court are not in compliance with the law in so far as they are not signed by the election officers who conducted the election.

Judge FULLER. This cause to be later substantiated by evidence?

Mr. CAMPBELL. No; I do not say that. By some evidence. I challenge at this time.

Judge FULLER. I suggest this: Decision reserved and return laid aside for further action. You will have to substantiate it before the count is concluded.

Judge GARBER. In the case of Upper Lehigh, Butler Township, the objection is withdrawn to that by Mr. A. C. Campbell.

Judge GARBER. In the case of Northwest Foster, the objection was withdrawn by Mr. McLean and the vote counted.

Mr. DANDO. Fourth district of Pittston Township, we have information that 41 persons entered the polling place, while the list shows about 122. Ask to have that held.

Fourth district of Pittston Township.

MICHAEL H. KEATING, sworn to the court, testified as follows:

Q. You are the judge of election of the fourth district of Pittston Township?—A. Yes, sir.

Q. How many votes were polled there on election day?—A. I think 120.

Q. Are you sure; do you know?—A. Was not any more, I don't think.

Q. What time in the day were they polled?—A. Well, all through the day, once the polls opened.

Q. Do you remember who was the first voter?—A. I do not.

Q. Patrick Carey, when did he vote?—A. He voted in the morning.

Q. What time?—A. I don't know.

Q. After 7?—A. I guess.

Q. Was it 8 o'clock?—A. I don't know.

Q. Thomas McMahon, when did he vote?—A. He voted in the morning.

Q. Patrick McGarry?—A. In the morning.

Q. What time did your poll open?—A. About 7 o'clock.

Q. Philip _____, when did he vote?—A. In the morning.

Q. Edward O'Shaughansey, what time did he vote?—A. He voted in the morning, according to my—

Q. What time did Mr. _____ vote?—A. In the morning.

Q. Mike Keating?—A. In the morning.

Q. John Chrisman?—A. In the morning.

Q. What time did Frank Vonaken vote?—A. In the morning.

Q. What time did _____ vote?—A. In the morning.

Q. Frank Gibbons?—A. In the morning.

Q. Michael _____?—A. In the morning, I guess.

Q. Do you know?—A. No, sir; so many there that I kind of forgot them.

Q. James Loughney, he voted after dinner?—A. I don't know.

Q. What time did Martin McDermot vote?—A. Some time through the day.

Q. Do you know how many voted before 8 o'clock in the morning?—A. No, sir.

Q. Were there as many as 40 who voted before 8 o'clock?—A. I don't know.

Q. Why did you not number this list?—A. I was not the clerk.

Q. It was done under your supervision. Did you know they were not numbering the voters?—A. No, sir.

Q. (Mr. O'BOYLE.) What does the registry of voters show there—the vote?—

A. Two hundred and ten.

Q. (The COURT.) How many are returned?

Q. (Mr. O'BOYLE.) About 120; maybe 119.

Q. (The COURT.) How many do you say entered the polls?

Q. (Mr. TRECOTT.) Forty-one.

Q. (Mr. O'BOYLE.) Did all of these men enter the poll and vote, and will the vote in the box show that 120 or 119 or 121 men entered there?—A. Every ballot recorded here in court is in that box.

Q. Any constable attend the election polls?—A. We had one there during the day, constable of the township.

Q. Any of the State police attend?—A. I think two of them come in there in the morning, short time; then they went out and stayed all day.

Q. Did they come there to vote?—A. No, sir. There was not a member of the board spoke to them; they did not speak to anybody on the board.

Q. Any disturbance or riot at your place there?—A. No, sir.

Q. (Mr. O'BOYLE.) Where did these State officers stay in relation to the distance away from the polls?—A. Oh, they were a couple of hundred feet.

Q. (Mr. SHORTZ.) Walking up and down the street?—A. Well, no: they were standing in a—

Q. (The COURT.) Have their uniforms?—A. No, sir.

Q. Did you know who they were?—A. I recognized them by seeing them once before in their uniform.

Q. Did you know why they were there?—A. No; I kind of thought. They never said anything to us, but I thought they were watching the board.

Q. (Mr. SHORTZ.) How many were there?—A. Two.

MOSES PIGGOTT, sworn, testified as follows:

Q. Were you at the polls of the fourth district, Pittston Township, on election day?—A. Yes, sir.

Q. There all day?—A. Yes, sir; except for dinner.

Q. Anybody else there with you?—A. Yes, sir.

Q. Who?—A. Lawrence Ryan.

Q. Where was Ryan while you had your dinner?—A. He stood there; watched.

Q. Did you keep an account of the number of men who entered the booth there on election day?—A. Yes, sir.

Q. How many?—A. We counted 34 altogether.

Q. (Judge FERRIS.) That included the members of the board?—A. No, sir.

Q. (Judge FULLER.) When did you go on?—A. When we got there, between 8 and a quarter after; about that time.

Q. (Judge FULLER.) When did you quit?—A. When the poll closed.

Q. The two of you were there until you went to lunch?—A. Yes, sir.

Q. Then the other man was left?—A. Yes, sir.

Q. How long were you gone to lunch?—A. About an hour and a half, I guess.

Q. And then he went to lunch?—A. Yes, sir; when I come back.

Q. (Judge FULLER.) How long was he gone?—A. About the same time.

Q. Kept record, tally, memorandum; every time you saw a man go in you made a tally?—A. We counted; did not keep tally.

Q. (Judge FULLER.) Just counted in your mind without putting a tally?—A. Yes, sir. I did not think it necessary, because the way they come there you could easily keep tally.

Q. (Judge FULLER.) You counted everybody that went in the house?—A. Yes, sir.

Q. Did you see any of the election officers come out while you were there?—A. Well, yes; some of them come out.

Q. Did they see you?—A. I don't know; standing about 100 feet away from the place.

Q. You had no intercourse with them at all?—A. No, sir.

By Mr. O'BOYLE:

Q. Did you have your civilian suit on or your uniform?—A. Citizens' clothes.

Q. What time did you say you got there in the morning?—A. Well, about a quarter after 8.

Q. Who sent you there?—A. Orders from Capt. Robbins.

Q. Do you know where Capt. Robinson got his orders from?—A. I don't know.

Q. How many did he send?—A. Two.

Q. Was it getting dark when the polls closed?—A. It was dark.

Q. How many entrances are there to this building where the voting is done?—

A. One.

Q. You swear there is only one?—A. That is all I know.

Q. Did you go all around this building to examine it?—A. No.

Q. How near was the nearest point you came to the entrance or entrances of this building?—A. How near was I? 100 feet.

Q. How near did you come to the nearest entrance to where the polling place was?—A. About 100 feet.

Q. Did you see how many men were on the board?—A. No, sir.

Q. Did you see whether these men on the board came out and went home to get dinner?—A. We seen some of them going out and going in again. We knew them by sight.

Q. And whenever you saw a man going into this one entrance you speak of, you made a mental note, did you; put it down on your mind?—A. Yes.

Q. You were not particular about the account you kept, were you?—A. I was particular; yes, sir.

Q. Why did you not make a note of it on paper?—A. I did not think it was necessary.

Q. Why wasn't it necessary?—A. Why, come there that they could easily be kept.

Q. Because their coming was so infrequent?—A. Yes.

Q. To whom did you report after this was over?—A. The man with the —— Ryan.

Q. Have you a copy of the report you made?—A. Ryan made the report.

Q. You went away and stayed an hour and a half?—A. Yes, sir.

Q. Where did you go to that time?—A. Dinner.

Q. Where?—A. At the German Restaurant, Pittston.

Q. That is a mile or more away from where the polling place is?—A. About a mile.

Q. When you got back, then the other man went?—A. Yes.

Q. What did he tell you, then? Did he make a report to you of how many men had come in?—A. Yes, sir.

Q. How many had gone in during your absence?—A. During my absence—I don't remember, but I left off—

Q. Did you say a moment ago that when you came back he told you how many had gone in during your absence?—A. That I could not exactly say—

Q. How many did he say went in during your absence?—A. I don't remember.

Q. How many went in during his absence while you were there [until he came back]?—A. I don't know.

Q. Did you not make a report back to him about how many had entered there, since he was to make a report?—A. Yes; I don't know exactly how many, because we counted—I know exactly how many there was when I left.

Q. How many did you tell him had entered when you came back and he had gone to dinner? You say he was the one that made the report; how many was counted?—A. I don't know.

Q. How did you get to him the information that enabled him?—A. Why, just where we left off. I left off counting and then turned over to him.

Q. You say that you did not make any note on paper?—A. No; kept it in our mind.

Q. If you kept it in your mind how does it happen you do not know how many names or how many people went in there during his absence so as to tell him when he came back to make up his report?—A. I don't know just exactly how many there was.

Q. You don't know just exactly?—A. No.

Q. How did he make up his report, then?—A. Ryan can tell you. Ryan knows.

Q. Ryan was away at dinner.—A. I turned over to him when we came back.

Q. You said a moment ago you did not make anything but a mental record of it.—A. Yes, sir.

Q. If you did not make anything but a mental record of it how many did you tell Ryan was there when he came back, that had entered during the time he was absent?—A. I don't know; I don't remember.

Q. (The Court.) How many did you count yourself?—A. Up until 4 or 5 o'clock we counted about 12. We had 12 altogether.

Q. (Same.) How many did you personally count during the day?—A. Before I went to dinner?

Q. All day.—A. All day was 34.

Q. You counted 34?—A. The two of us together.

Q. (Judge FULLER.) You were away an hour and a half. How many did you count while?—A. I could not say that.

Q. And you do not know how many he counted while you were absent?—A. No, sir.

Q. He did not know how many you counted while he was absent?—A. No, sir.

Q. When you went away to dinner did you leave him there?—A. Yes, sir.

Q. And he was there when you came back?—A. Yes.

Q. Did you go there together in the morning?—A. Went there together.

Q. That was after 8 o'clock?—A. About a quarter after 8.

Q. (Mr. DANDO.) While he was gone to dinner and you were there alone did you report to him when he came back the number that had voted during his absence?—A. I did.

Q. What was the number; do you remember?—A. I can not remember how many.

LAWRENCE RYAN sworn, testified as follows:

By Mr. TRESCOTT:

Q. Were you at the polls of the fourth district of Pittston Township on election day?—A. Yes, sir.

Q. What time did you get there?—A. About a quarter after 8.

Q. Do you know how many had voted before you got there?—A. No, sir; I do not.

Q. Could you tell?—A. No, sir.

Q. How many voted after you got there?—A. Thirty-four. We counted 34 going in there.

Q. Thirty-four; that was the number that voted after 8.15?—A. Yes, sir.

Q. You don't know how many voted in that hour and 15 minutes?—A. No, sir.

By Mr. O'BOYLE:

Q. When you went there in the morning did you inspect this building to ascertain how many entrances there were for voters to enter the building?—A. I saw two.

Q. Your partner saw one. Did he go around with you?—A. No, sir.

Q. One entrance was on the back of the building and the other on the side?—A. On the side.

Q. Did both of you go around to find out how people were coming and going?—A. No, sir; I left him there, and I went around.

Q. Did you report back how many many entrances?—A. No, sir.

Q. So that he thought there was but one entrance to the building?—A. I don't know what he thought.

Q. You never said anything to him about there being a second entrance?—A. No, sir; because he was—

Q. How did you make a record of this—did you put it down on paper, each voter as he went in?—A. No, sir.

Q. Did you see the board coming in and going out to dinner?—A. Yes, sir.

Q. You saw them?—A. Yes, sir.

Q. Had you ever seen them before?—A. I had seen some of the board.

Q. Did you know all of the board?—A. I know them to see them.

Q. And you were there practically in full view of this board and you knew some of them and they knew you; is not that true?—A. Yes, sir.

Q. They knew you to be a State officer of the constabulary, and you say you were within 100 feet or so of this building?—A. About 100 feet.

Q. Did you stand in one place all the time?—A. No, sir; passed up and down.

Q. Back and forth. So that at some times one view of the building could be seen by you and at other times another view?—A. Yes, sir.

Q. Were you watching both entrances?—A. Well, no.

Q. What?—A. No.

Q. You were not watching both entrances?—A. I could see anybody that come down to go in there, but I did not see anybody coming down; only those that went in the front way.

Q. You could not see the ones that came there and went in the other entrance?—A. I could see them if they come down through that yard.

Q. Did you not say to your partner when you went to dinner or any other time, "Watch the rear as well as the front entrance; there are two entrances to this building?"—A. No; I did not say that to him.

Q. How many went in there to vote while your partner was away to get his dinner?—A. Six, until the time he got back.

Q. Did you tell him how many?—A. Yes, sir.

Q. How many had entered?—A. Yes, sir.

Q. Then, did you make a note of it any place?—A. No, sir.

Q. Did he tell you how many had entered while you were away?—A. Yes; when I come back I asked him and he said two; that made eight.

Q. It was on that that you based your report?—A. Yes, sir.

Q. And all of this time you never told him there was a second entrance to the building?—A. No, sir.

Q. To whom did you make your report?—A. Captain Robbins.

Q. Who sent you there?—A. Ordered by the captain.

Q. (The Court.) The back entrance—side entrance does not open into the pool room at all?—A. Yes, sir.

Q. (Mr. DANDO.) Anybody entering from the street through the front way, you would see them?—A. Yes, sir.

Q. (Judge FULLER.) An alleyway, this side yard?—A. It is open into the yard.

Q. Main Street open up through there?—A. Yes, sir.

Q. And all must enter the front?—A. Yes, sir.

Q. And you observed all who entered the front, during the entire time?

Q. (Judge FULLER.) Did I understand you personally counted 32?—A. No, sir; 34.

Q. You personally counted 34? You counted six when he was absent and he counted 2 while you were absent?—A. Yes, sir.

Q. Were you there together where you could observe all persons who entered?—A. Yes, sir.

Q. And you observed but 32?—A. Thirty-two.

By Mr. O'BOYLE:

Q. Could you see after 6 o'clock the people who were going in there?—A. Yes, sir.

Q. Now with relation to where the two entrances are, one on Main Street and the other—did you notice whether the most—the largest portion of Brownstown was on the other side where the rear entrance is?—A. No.

Q. Did you notice it was approachable and that the people go in there by a gate and that there was a gate there?—A. No.

Q. Did not notice whether there was any gate there that they could go in there, right into the yard, and go right into the booth?—A. No.

Q. Taking where the front of the building is that you were watching and the rear of the building where the other entrance is that you saw, which would you say—in which direction was the largest portion of the population or the larger portion of the population?—A. I don't know just what way it does lie.

Q. Don't you know the rear, where this gate is, is handier for nearly all of the voters to go in at that gate and go in at the rear of the building and not at the front? Don't you know a big section of Brownutown lies in that direction?—A. I did not see any coming there all day.

Q. You did not remember there was a gate in there, did you?—A. No.

Q. (Mr. TESCOTT.) But you could have seen them if they had come in there that way?—A. Yes, sir.

Q. (Same.) You were where you could see them?—A. Yes, sir.

Mr. KEATING recalled.

By Mr. O'BOYLE:

Q. Explain to the court how people may enter this building.—A. Well, they—the most thickly part of Browntown, populated part, is in the rear of the polling place and there is an alleyway and a gate on that alley; they always generally—it is nearer and handier for them to come down through there right into the side entrance into the polls, in place of going away around by the front.

Q. (The Court.) Notice them come in there?—A. Yes, sir.

Q. Which way did they come in?—A. The majority of them come in the side door.

Q. Both ways?—A. Yes, sir; come in both.

Q. Majority in the side door?—A. Yes, sir.

Q. Did you see where these State constables stood?—A. Yes, sir.

Q. (The Court.) Were they in view of the two entrances?—A. No, sir.

Q. (Mr. DANDO.) They were coming that way all day. The constabulary was patrolling up and down all day, were they not?—A. I did not see them.

Q. You saw them?—Oh, yes, sir.

Q. They were in a position frequently where they could observe that door?—A. No, sir.

Q. Never where they could see?—A. They could have saw whenever they were in the building, not where they were standing.

Q. This is a door on the side of the building?—A. Yes, sir.

Q. And immediately on the side facing the front? The building is at right angles with the street.—A. Yes, sir.

Q. This side door is how near the front of the building?—A. It is in the rear of the building, but it is on the side.

Q. (The COURT.) How was the locality lighted after dark?—Why, there is no lights up there after dark; no electric lights.

Q. (Same.) No street lights at all?—A. No, sir; not in the township; not on that main road.

Judge FERRIS. Let the box be opened, the box for the fourth district of Pittston Township. Mr. Rhodda, you may open the box. Mr. Keating, you may be present when the box is opened.

Judge FULLER. Mr. Payne, suppose you act as clerk and call off the contents as they take them out.

(The box is opened and contents taken out.)

Mr. PAYNE. One package of official ballots.

Judge FULLER. One package of unused official ballots.

Mr. PAYNE. Specimen ballots unused.

Judge FERRIS. No marks on them at all.

Mr. PAYNE. Package of official ballots partially used.

Judge FULLER. You really ought to count the stubs.

Mr. PAYNE. Bunch of stubs, official ballots, list of voters (not numbered), oaths of election officers, one triplicate return, one tally sheet of voters, registry of voters, another copy of the election officers' oaths, blanks for No. 2; lot of No. 2 blanks, unused. Blanks all the way through. Package of blanks, No. 4.

4. One hundred and sixty-seven ballots in the box folded.

Judge GARMAN. Mr. Pace, get a piece of paper and tally.

(The tally is proceeded with and completed.)

Mr. KEATING recalled.

Q. (Judge Fuller.) Did you have ballot check list and a voting check list?—A. Ballot check list and a voting check list; yes, sir.

Q. Where is the ballot check list?—A. The ballot—what I mean is the registry. They check off every vote.

Q. (The COURT.) Did you not have a list in which when a ballot was called for you marked letter B opposite the name of voter? Did you have such a list?—Yes, sir.

Q. (Same.) Where is it?—A. It is the registry they always—the minority inspector has it. All on the left side of the voters mean vote.

Q. (The COURT.) What does "V" signify there?—A. Vote.

Q. That letter "V" is marked opposite the name of every man that votes?—A. Yes, sir.

Q. What does the cross indicate?—A. I always put a "V" when I was at the check list, and if one of the inspectors go at it he would put a cross.

Q. How do you count for the fact that the total of v's and x's is only 101, when you have returned 121 voters?—A. Well, I don't know. There was three of us handling that—the two inspectors and the judge.

Q. Did the voters who came there mark their own ballots?—A. No, sir.

Q. Who did the marking?—A. There was a number of them went in for assistance.

Q. Who were there marking ballots, assisting?—A. Patrick Fletcher.

Q. (The COURT.) Was he a member of the board?—A. No, sir.

Q. What was his employment there? Did he have a certificate?—A. He was there as a watcher.

Q. A worker?—A. A worker.

Q. Patrick Fletcher is the only one?—A. Well, I believe he was.

Q. Was he or not?—A. I don't know.

Q. Was he the only person you saw going in to assist?—A. Yes, sir.

Q. How many persons did he assist, do you remember?—A. He assisted a number of them.

Q. How many of them would you think?—A. I could not say.

Q. Approximately how many?—A. I don't know.

Q. Who permitted him to enter?—A. The board.

Q. Upon the request of the voter. How many voters made such a request?—

A. Everybody he went in with.

Q. Approximately how many?—A. I don't remember.

Q. Say 30?—A. There must be.

Q. Do you think there would be more than 30?—A. I believe there was.

Q. Do you think there could be 50 or 60?—A. It may.

Q. Mr. Fletcher that day assisted at least 50 or 60 voters?—A. Yes, sir.

Q. With the consent of the board?—A. Yes, sir.

Q. And they said they were unable to mark a ballot without help?—A. Yes, sir.

Q. You say you were satisfied they were not able to?—A. Yes, sir.

Q. You say 60 in that district who can not mark their ballots without assistance?—A. I do.

Q. And you say this man assisted these 60 to mark their ballots; that is right, is it?

(The reporter understands the witness to answer yes or to assent to the statement in the question.)

Q. There are 32 ballots, the last batch of ballots appearing in the stub, appear to be torn out at one time, is that correct?—A. Yes. It would destroy the ballot if you would pull it off singly. We had a knife, dig down in, so you could pull them off without destroying—

Q. Did you tear off those 32 ballots at one time?—A. One of the inspectors.

Q. In your presence?—A. Yes, sir.

Q. Another batch about 20 all torn off at one time?—A. Yes, sir.

Q. In your presence?—A. Yes, sir.

Q. Here is another large batch torn off at one time. These ballots were torn off in batches of 20 or 30?—A. Yes, sir.

Q. Do you know, as a fact, that there were at least 100 ballots—between 80 and 100 marked by one person there in assisting the voters—an aggregate of between 80 and 100. You are satisfied it will go to 60?—A. It may.

Q. Mr. Fletcher marked them all?—A. I think so; all I saw.

Q. Did you see him mark any? Would you know his particular mark?—A. No.

Q. Did not see any of them at the time he marked them?—A. No, sir.

Q. So you can not say whether they are his marks or not?—A. I could not say.

Q. Why did you tear off the ballots in batches?—A. Because when you tear them off singly they would get destroyed; was not enough.

Q. You tore off some singly in the morning, the first ones you tore off singly?—A. Yes, sir; but—

Q. These people that were assisted in voting, what nationality were they—American-born people?

(Objected to as immaterial.)

Q. These people who asked for help, were not they people who lived in the country a long time and understood the language well, some of them old citizens?—A. They all asked for assistance.

Q. They were old citizens, a lot of them—

Judge GARBER. We will not go into the assistance question because it has been ruled the voter is his judge of his own—

Q. Did these 60 men request you to furnish them with assistance?—A. They all said and Fletcher asked if it was all right to go in.

Q. Did they request you to furnish them assistance in marking their ballots?—A. Yes, sir.

Q. You designated Fletcher every time?—A. No, sir.

Q. Did you designate any other person than Fletcher during the entire day?—A. No, sir.

Q. (Mr. TRECOTT.) Who were in the polling place when these were counted?—A. Why, the board.

Q. Nobody but the board?

(Reporter understands the witness to answer "no," or to mean "no" for the answer.)

Judge _____. The voting list contains 120 names, 121 marked ballots are found, and 122 are returned as having been cast for three of the candidates.

Judge FERRIS. In the matter of the vote of the fourth district of Pittston Township the conclusion of the court is that that vote be thrown out and it will not be counted.

I hereby certify that the foregoing is the official stenographer's record of evidence, etc.

J. F. STANDISH, *Official Stenographer.*

H. B. PAYNE, called on behalf of contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. You are a member of this bar?—A. Yes.

Q. How long have you been a member of it?—A. Since 1896.

Q. Whether or not you were present in court on the day on which the judge of election of Brownstown and the fourth district of Pittston Township was examined and wherein the ballot boxes were brought in and opened?—A. Yea.

Q. Whether or not you acted as clerk for the judges in that matter?—A. I did.

Q. Whether or not you examined the ballots that were cast?—A. I did.

Q. Whether or not you examined all the ballots that were cast?—A. At the direction of the judge I did; yes, sir.

Q. Whether or not the court also examined the ballots?—A. Yes.

Q. Whether or not you found ballots in a large number all containing the same mark, which was peculiar?—A. I did; yes.

Q. Whether or not such ballots were all marked for the same candidates?—A. They were.

Q. I wish you would indicate what the mark was, as you recollect it, on the ballots.—A. It was simply an "X" like that [indicating].

Q. Just describe the cross that was made.—A. The cross was made by evidently a hard pencil. It was a small mark, and one line was straight and the other crossed over on the "X," came partially straight, and then curved a little at the bottom.

Q. Whether that was made on a large number of ballots, all marked for the same candidate?—A. It was.

Q. About how many ballots do you remember?—A. I can't remember just how many there were, but ballot after ballot seemed to be marked the same way, and I judge there was possibly 75 or 80 of the ballots marked in that manner.

Q. And the court examined these ballots?—A. Yes.

Q. Do you remember whether or not the voting list was brought in?—A. I don't remember that.

Q. Do you recall the manner in which the ballots had been torn from the stub? Whether or not they were torn singly or in bunches; the last ballots?—A. It seems to be as though several, or probably 15 or 20, had been torn off at a time, because the stub showed it was different every 15 or 20, as I recall it.

Q. You were merely acting at the request of the court?—A. I was.

Q. And you were called from the body of the court room by the court?—A. I was.

Mr. LEAHAN. We move to strike out this testimony as not pertinent under the pleadings.

Cross-examination by Mr. LEAHAN:

Q. You are a Republican.—A. Yes.

Q. And you were appointed by a Republican court.—A. I don't know that.

Q. Don't you know that the court as constituted at that time was made up of a majority of the Republican judges?—A. When did Judge Lynch die? Really, I don't remember who the judges were.

Q. You know very well when he died.—A. I don't know whether it was before or after this.

Q. You know who appointed you. You know you would never have been appointed if Judge Lynch was on the bench?—A. I don't.

Q. I will show you and ask you as to whether or not the majority of the court was Republican?—A. Three.

Q. Then the common pleas bench, which sits in cases of this kind, is constituted of four judges, and three were Republicans?—A. Supposed to be; yes, sir.

Q. And the other judge was elected on both the Republican and Democratic tickets, wasn't he?—A. Yes, Judge Garman.

Q. Payne, you have been a candidate for office how often, up to date?—A. I have never been a candidate up to date.

Q. Were you not a candidate for appointment as assistant district attorney?—A. I was not.

Q. And you never told anyone you were?—A. No, sir.

Q. That you were seeking the appointment of assistant district attorney?—A. Through Williams.

Q. That is what I say. You were a candidate for assistant district attorney?—A. Yes.

Q. Under a Republican administration?—A. Yes.

Q. And you didn't get it?—A. Yes.

Q. You also were a candidate and are a candidate now on the Republican ticket?—A. Yes, sir.

Q. What for?—A. Orphans court judge.

Q. I hope you will be when you die, and I hope it will be many years before you die. When were you subpoenaed in this case?—A. I haven't been officially subpoenaed. I was told I was wanted, that is all.

Q. When were you told that?—A. I think Monday or Tuesday of this week.

Q. Mr. Dando's name was mentioned—one of the counsel for the contestee—as a candidate for the orphans court judgeship?—A. Some months ago. He didn't know what he wanted, but he wanted something.

Q. And he switched off from orphans court judge to being a candidate for district attorney?—A. Not at my request.

Q. But he has switched off and is now a candidate for district attorney?—A. Yes.

Q. Who was it notified you?—A. Mr. Jones.

Q. When?—A. Jones notified me last Monday.

Q. When?—A. Monday or Tuesday of this week.

Q. You came here voluntarily without being subpoenaed?—A. He told me he wanted me and asked me to come down this morning.

Q. To help the gang out?—A. Not to help the gang out.

OLIN HARVEY, recalled on behalf of the contestee:

Examination by Mr. JONES:

Q. You have been subpoenaed to produce the official returns of the fourth district of Pittston Township, known as Brownstown District?—A. Yes, sir.

Q. I wish you would produce the voting list as returned with these returns. For the list of voters. You have that?—A. Yes.

Q. I wish you would tell me what is written in the upper right hand corner of that voting list?—A. "Sealed envelope list" and the initials, "J. M. G."

Q. Do you know in whose handwriting that is?—A. Judge Garman.

Q. Who is he?—A. He is a judge of the court of common pleas of Luzerne County?

Q. Whether or not the voting list is numbered?—A. Do you mean are the names numbered?

Q. Are the names here numbered?—A. No.

Q. Is there a place on the voting list for a number before the name?—A. Yes.

Q. Does there any place appear on there a number?—A. No.

Mr. LEAHAN. This is objected to for the additional reason that the list will speak for itself.

Q. I wish you would count the list of voters and tell me how many voted according to the list of voters?—A. One hundred and twenty.

Q. I show you now the triplicate return sheet. Whether or not that is signed by the officers?—A. Yes.

Q. Read the names of the officers appearing on that.—A. Michael J. Keating, Judge, Frank Gibbons and Mike Clisham, inspectors; John Clisham and Frank Von Ahrens, clerks.

Q. Tell me the total number of votes cast for John K. Tener, for governor, the Republican candidate?—A. One hundred and ten.

Q. How many for the Democratic candidate?—A. Webster Grimm, four.

Q. How many for Berry, the Keystone candidate?—A. Eight.

Q. Making a total of how many votes cast for governor?—A. One hundred and twenty-two.

Q. How many votes were cast for the Republican candidate for Lieutenant governor?—A. None.

Q. Who was the Republican candidate for lieutenant governor?—A. John M. Reynolds.

Q. Who was the Democratic candidate for lieutenant governor?—A. James H. Greevey.

Q. How many did he get?—A. One hundred and fourteen.

Q. How much did Clarence Gibbonney, the Keystone candidate for Lieutenant governor, get?—A. Eight.

Q. For secretary of internal affairs, how many votes did Houck, the Republican candidate, get?—A. Not any.

Q. How many did Blakeslee, the Democrat, get?—A. Three.

Q. How many did John J. Casey, the Keystone candidate, get?—A. One hundred and ten.

Q. For Congress, how many votes did Bowman, the Republican candidate get?—A. Five.

Q. How many did McLean, the Democratic candidate get?—A. One hundred and fourteen.

Q. How many votes did Chas. F. Quinn, the Federated Labor candidate, get?—A. Three.

Q. Making a total of how many votes polled for the office of representative in Congress?—A. One hundred and twenty-two.

Q. How many votes did M. J. Healey, the Republican candidate for representative get?—A. One hundred and twenty, on the Democratic ticket.

Q. What did he get on the Republican ticket?—A. He didn't get any.

Q. Then in that district as appears by the returns, Healey was both the Republican and Democratic candidate?—A. Yes.

Q. And no one voted for him as shown by the returns, on the Republican ticket.—A. No.

Mr. LENAHAN. We now ask that the testimony of this witness be stricken from the record, for the reason that it is immaterial and irrelevant under the pleadings in this case.

Mr. JONES. The contestee now offers in evidence the list of voters, now produced by the prothonotary, the tally list and all returns for this fourth district of Pittston Township, as shown by the returns now in the possession of the prothonotary, and ask that these returns be marked by the commissioners and be held subject to the call of the committee.

Mr. LENAHAN. Objected to for the same reasons as above stated.

Cross-examination by Mr. LENAHAN:

Q. The vote in this fourth district was thrown out entirely and not included in the calculation by the judges in computing the vote?—A. Yea.

Q. So that no candidate got any credit for them?—A. No.

By Mr. JONES:

Q. I direct your attention to the tally sheet of this district. Whether or not it shows any votes cast for Michael J. Healey on the Republican ticket for the representative in the general assembly?—A. It shows two.

Q. Count the number of tallies cast opposite the name of Michael J. Healey, Democratic?—A. One hundred and nineteen.

Q. Then according to the tally list Michael J. Healey received 2 votes as the Republican candidate and 119 as the Democratic.—A. Yea.

Q. And according to the return sheet he received nothing as the Republican candidate and 120 as the Democratic candidate?—A. Yea.

Mr. LENAHAN. All this is objected to for the same reason, and especially objectionable because no credit was given in the computation of the vote by the return judges to any candidate. The same having been thrown out.

Adjourned until Monday, May 1, 1910, at 10 a. m.

MONDAY, MAY 1, 1911.

Hearing resumed at 10 a. m. in sheriff's sales room, courthouse, Wilkes-Barre, pursuant to adjournment.

Appearances: John A. Opp, Esq., contestee's commissioner; Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; Arthur L. Turner, Esq., contestant's commissioner; John T. Lenahan, Esq., John E. Jenkins, Esq., counsel for contestant; George R. McLean, contestant, in person.

Mr. JONES. Counsel for contestee offers in evidence article on the first page of the Times-Leader of Wilkes-Barre, of the publication date of November 7, 1910, headed and reading as follows:

"Liquor men scared to unusual activity. That the liquor interests of Luzerne County are lined up for work to-morrow is evidenced by the following call for their Sunday meeting, which indorsed Tener and his associates on the Republican ticket. Here is the letter. It ought to dispel any lingering doubt as to where the liquor interests stand in this campaign."

"JACOB SCHILLING, President.

"F. M. HOOPER, Sec.-Treas.

"HUGO RABE, Vice Pres.

"RETAIL LIQUOR DEALERS' ASSOCIATION OF LUZERNE COUNTY,

"WILKES-BARRE, PA., November 3, 1910.

"DEAR SIR: You are requested to attend a very important meeting of the brewers, wholesalers, and retail liquor dealers at Concordia Hall, corner South

Washington and East Northampton Streets, on Sunday, November 6, 1910, at 2.30 p. m.

"Mr. Richard McCormack, State president, and B. A. Mason, State organizer of the State Federation of Liquor Dealers, are coming from Pittsburgh to address you and give you some valuable information from headquarters regarding the political situation in the State, and they claim unless the dealers of this county get together and work hard the enemy will surely win.

"We don't want any money from you, but all we want is your presence at this meeting, and please make it a point to be there.

"Respectfully yours,

"W.M. WHEELER,
"President.

"F. M. HOOVER,
"Financial Secretary and Treasurer."

Counsel for contestee also offers in evidence a part of the annual report of the State inspector of mines for 1909, the report for 1910 not having yet been published, in so far as it pertains to the number of general superintendents, managers and local superintendents of mines, mine foremen, assistant mine foremen, fire bosses, outside superintendents, and outside foremen in the sixth, seventh, ninth, and tenth districts of the anthracite coal regions, which are exclusively in Luzerne County and the eleventh congressional district, and the fifth, eighth, and eleventh districts of the anthracite coal regions, which include a part of the said congressional district, particularly pages 186, 212, 243, 270, 299, 326, 354, showing the general managers, general superintendents, and local superintendents of mines in the congressional district, being a total of 51 general superintendents; and if this list of general superintendents is carried over to any pages immediately subsequent to the pages enumerated above, we offer the same in evidence.

Contestee also offers in evidence part of said book on pages 191, 216, 247, 274, 303, 329, and 359, and the pages subsequently and immediately following said pages hereinbefore enumerated where the list may have been carried over into said subsequent pages, showing, in addition to the superintendents and general superintendents listed on other pages, 39 local outside superintendents and 126 outside foremen, 152 mine foremen, 264 assistant mine foremen, and 281 fire bosses.

Contestee also offers in evidence pages 178, 204, 234, 262, 290, and 318, for the purpose of showing the number of collieries and mine operations in the said seven anthracite mining districts, which are included in the eleventh congressional district, showing as follows:

Number of collieries and operations in Luzerne County.

Fifth district.....	21
Sixth district.....	52
Seventh district.....	60
Eighth district.....	35
Ninth district.....	46
Tenth district.....	48
Eleventh district.....	84
 <i>Making a total of.....</i>	 347

DAVID WALSH, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

- Q. What is your occupation?—A. Assistant mine foreman.
 Q. For what company?—A. The Forty-Fort Coal Co.
 Q. Where do you live?—A. Swoyersville.
 Q. What district in Swoyersville do you vote in?—A. In the second ward.
 Q. Were you at the polls last election day, November 8, 1910?—A. About two hours in the afternoon.
 Q. What time did you get there?—A. About 5 o'clock, I guess, or something like that.
 Q. Were you working for McLean?—A. No; not in particular; I didn't have any interest in the election.
 Q. What were you doing at the polls for two hours?—A. Standing around there.

- Q. What time did you leave the polls?—A. Just before the polls closed.
 Q. You stood around there from 5 o'clock until 7?—A. Just to look around; I had no material interest; I didn't have any encouragement or anything.
 Q. Do you know George Copcho?—A. Yes.
 Q. Did you send for him to come to your office at the colliery?—A. No; not that I can recollect of ever sending for him.
 Q. Did you talk to him before election or on election day?—A. Not on election day.
 Q. Didn't you send for George Copcho and ask him to work for Tener, and for McLean for Congress?—A. No; I didn't send for him that I can recall.
 Q. Didn't you ask him to work for the Keystone ticket and for McLean for Congress?—A. Some time before election I did; yes.
 Q. Where did you ask him?—A. I couldn't say just where.
 Q. How did you come to ask him to work for the Keystone ticket and for McLean?—A. Mostly because he is around the mines and a resident of the ward there, and I spoke to him in a friendly manner and asked him.
 Q. He was a good worker?—A. Not any more than anybody else; he is simply a citizen there.
 Q. You knew that he was a watcher there?—A. No.
 Q. How many men did you ask to vote for McLean?—A. Not any outside of Copcho, I don't believe.
 Q. You were interested in McLean's election, were you not?—A. Not any material interest, not in him, only that he belongs in politics to my party, the Democrats.
 Q. You are a Democrat in national affairs, politically?—A. Not altogether.
 Q. You were interested in having a Democratic Congressman elected?—A. I couldn't say I had any more interest in one than in the other.
 Q. Why did you ask Copcho to work for McLean, then?—A. Simply because I knew McLean through a friend of mine.
 Q. You wanted to see McLean elected, didn't you?—A. I didn't have any interest in the election; whether McLean or Bowman was elected it was immaterial for me.
 Q. Didn't you ask the men at the polls to vote for McLean?—A. No; not at the polls.
 Q. Will you tell me what you were doing at the polls from 5 to 7 o'clock?—A. Standing there looking on.
 Q. Why didn't you go home for supper?—A. I came to Wilkes-Barre.
 Q. Where did you get your supper?—A. At home.
 Q. Before 5 o'clock?—A. Certainly before 5 o'clock. If it is ready we eat it.
 Q. How many ballots did you mark there that day?—A. Not any; I didn't mark any; I believe I assisted three or four voters there.
 Q. How did you come to assist these voters?—A. I was standing there and they asked me to give them assistance and asked the judge if I could assist them.
 Q. Were you inside the voting place?—A. No; I was outside the voting place.
 Q. You were in the voting room when they asked you?—A. Yes.
 Q. What were you doing there after you voted?—A. We were standing there, the same as here, conversing and talking about the different topics of the day.
 Q. Did anybody ask you to go to the polls for McLean?—A. No.
 Q. You say you were interested in McLean through a friend of yours or his?—A. No; not through a friend of his at all.
 Q. Because you were a friend of his, is that what you mean?—A. No; I don't know as I can say that I am a friend of McLean's.
 Q. You told me that you asked Copcho to work for McLean on the Keystone ticket?—A. Simply because I was a Democrat in principle.
 Q. You asked this man to work for McLean simply because you were a Democrat, is that it?—A. Yes; mostly.
 (No cross-examination.)
 Mr. LENAHAN. We ask that the testimony of this witness be expunged from the record as not being pertinent or relevant under the pleadings in the case.

Mr. EDWARD WALSH, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

- Q. Where do you live?—A. In the city of Maltby.
 Q. What ward do you vote in?—A. The second. It is Swoyersville, but they call it Maltby.

Q. What is your occupation?—A. Assistant outside foreman.
 Q. For what company?—A. The Forty-Fort Coal Co.
 Q. Were you at the polls in that district on election day?—A. Yes; I was.
 Q. Were you a watcher that day?—A. No.
 Q. What were you doing there at the polls?—A. I was doing the same as any man would do, casting my vote.

Q. Didn't you take voters to vote for the Democratic ticket?—A. No, sir.
 Q. Didn't you tell me this morning that you were there working for the Keystone ticket and McLean?—A. I didn't tell you any such a thing.
 Q. Weren't you working for McLean that day?—A. No; I was working for the coal company that day.

Q. What time did you get to the polls?—A. I should judge about a quarter to 6.

Q. And you stayed there till the polls closed?—A. No.
 Q. How long did you stay there?—A. I should judge I was there about an hour.

Q. How many polls did—how many ballots did you mark there that day?—
 A. None.

Q. How many voters did you assist?—A. Probably four or five.
 Q. You are a Democrat, aren't you?—A. My principles is; yes.
 Q. You were interested in McLean's election as a Democrat, weren't you?—
 A. Not particularly.

Q. Well, as a Democrat you were?—A. As a Democrat; yes.
 Q. Didn't you ask anybody to vote for McLean?—A. No; I didn't.
 Q. Did you ask anybody to vote the Keystone ticket?—A. No.
 Q. These men that you assisted in marking their ballots, how did they come to take you in with them?—A. I was merely standing there and the men knew me and I suppose they were in a little doubt as to the ballot and they called to me for assistance and I was at liberty to go in and assist them. Of course that is a privilege a man has got.

Mr. LENAHAN. This testimony is objected to and asked to be struck from the record as not pertinent to the pleadings in the case.

Dr. LEWIS EDWARDS, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examined by Mr. JONES:

Q. In reading over your testimony, Doctor, I notice that I did not ask you what this money was to be used for which you say you paid out as district chairman over there?—A. To employ poll men.

Q. In your legislative district?—A. Yes, sir.

Cross-examination by Mr. LENAHAN:

Q. You gave David Davis how much?—A. \$140 altogether.
 Q. Was it intended that should be given to one man by David Davis?—A. No; he was to employ poll men.

Q. And that was not to be given to one man who happened to be a boss?—A. No; it was for poll men.

Q. It was not for one man, I say?—A. No; it was for poll men; that would mean many.

Q. Davis says that he gave it all to one man, some Polander, who is a driver boss; do you know him?—A. No.

Q. You never heard of him, did you?—A. Yes.

Q. You heard of him in connection with this case?—A. Yes.

Q. Had you ever heard of him before?—A. No.

Q. In your legislative district over there you have been very active, have you not, on behalf of the Republican Party, for years?—A. Yes.

Q. And you were also chairman for many years there?—A. Yes.

Q. You fellows know pretty well every man who is active in politics, don't you?—A. I know the most of them, I think.

Q. You try to know them all, or nearly all of them?—A. Yes; I think I do.

Q. Now I want to ask you a few questions, with reference to Michael Walsh. What is his middle name—Michael T.?—A. Yes.

Q. This is not exactly cross-examination, but it will save me the trouble of calling your attention to it again and you from attending another hearing. Are you the physician for Michael Walsh?—A. I am not. Michael Walsh is all right, and can answer any question you put to him.

OLIN HARVEY, recalled by the contestee:

Examination by Mr. JONES:

Q. You have been asked to produce the sealed and open returns of the Preston district, Hanover Township. Have you produced them?—A. Yes, sir.
Q. What is the correct name of that district?—A. The third diserict of Hanover Township.

Q. Whether or not there is a list of voters in these returns?
(Objected to as immaterial and irrelevant.)

A. No, sir; there is no voting list.

Q. Do you know that at the time the returns were opened that there was no voting list then?—A. No; there was none present then.

Q. These returns were handed over to your office by the judge, were they not?—A. Yes.

Q. And they were opened in the presence of the four judges of this court?—A. Yes.

Q. And then they were handed back to your office for keeping and filing, after being counted?—A. Yes.

Q. Have you the returns of the South district of Wilkes-Barre Township?—A. Yes.

Q. By whom were these returns signed?—A. In the sealed return the tally sheet and the triplicate return were signed by Thomas Hughes, judge, and William Lyal, clerk to the inspector, signed Joseph Naughton and James Harrigan, clerks.

Q. Whether or not in the returns in your office there appears the name of more than one inspector of election for that district?—A. The return sheet and unsealed return is also not signed by the inspector, but the oaths of the election officers were signed by John Nealon, inspector.

Cross-examination by Mr. LENAHAN:

Q. Don't it appear on there who is the majority inspector?—A. Yes.

Q. Then it is the minority inspector, isn't it. What inspector didn't sign?—A. John Nealon is the man who didn't sign.

Q. He was what?—A. Inspector.

Q. Minority inspector, wasn't he?—A. I don't know; it don't say.

Mr. LENAHAN. This testimony is also objected to as immaterial and irrelevant.

Q. You don't know whether the list of voters was returned with the other returns in Preston district or not, when they were filed in your office, did you?—A. No.

CHARLES GUSCOTT, called on behalf of the contestee, and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. In your testimony, when you were called to testify on behalf of the contestent, you testified that you gave John B. Evans, of Hazlebrook, \$10. Did you give that to him personally?—A. No; I gave it to Brehm to take over to him.

Q. Who was Brehm?—A. He was running for representative in that district.

Q. And Evans was chairman of Foster Township, was he?—A. Yes.

Q. And he had been for a good many years?—A. Four years, to my knowledge.

Q. It appears, as I understand in the testimony taken at a hearing at which I was not present, that Brehm gave you \$200, as shown by his account. Have you examined his account to see if that is so?—A. No; I gave Brehm \$200.

Q. Was that any of the sum of money that you had received from Jonathan R. Davis?—A. No.

Q. Whose was it?—A. My own money.

Q. A contribution you made to Brehm's campaign as his chairman?—A. Yes.

Q. Do you know who paid the money in Foster Township? Have you made an investigation to see who paid the money?—A. Brehm told me that he took the money around himself; I saw him yesterday or Saturday afternoon.

(Contestant objects to anything that Brehm told this witness.)

Q. You say that you gave him \$110 to give to the chairman of that district, John B. Evans?—A. Yes.

Cross-examination by Mr. LENAHAN:

Q. When you were originally sworn in this case, having been called by the contestant, you were examined and swore that you gave \$110 to John P. Evans, didn't you?—A. Yes; I thought it went to Evans; he is the chairman of the district and I had no other information until recently.

Q. I don't care what your information is. You swore positively to that, didn't you?—A. I thought he got it; yes sir.

Q. And Evans subsequently, several days after you swore to that, was called in Hazleton as a witness, wasn't he?—A. I think so; yes, sir.

Q. You think so; don't you know he was?—A. I wasn't there; I heard that he was.

Q. And he swore that all the money that he got was \$10, didn't he?—A. That is what I heard.

Q. Do you remember my talking to you about this after he swore to that?—A. I don't remember you, but I know other people did.

Q. Didn't talk to you about it?—A. I think you did.

Q. And didn't I say to you, "Guscott, Evans swore that you only gave him \$10. Now, that \$100 you must have pocketed yourself," and didn't you say to me, "I gave him the money all right, all the same," didn't you?—A. No, I did not. I know this—I gave—

Q. Wait a moment. You told us before what you did. You don't remember having that conversation with me?—A. I didn't tell you that I gave it to Evans personally.

Q. I am putting the conversation to you as you and I had it.—A. I don't remember.

Q. Do you say you don't remember any talk we had about it?—A. I think I remember talking to you about it.

Q. Did you tell me in that talk that you gave the money to Brehm?—A. I don't know.

Q. Did you ever mention Brehm's name to me?—A. I don't remember that.

GEORGE R. MCLEAN, contestant, recalled by contestee:

Examination by Mr. JONES:

Q. Do you know Samuel R. Morgan, general superintendent of the D. & H. Coal Co.?—A. Yes.

Q. Did you have any conversation with him during the antielection period?—A. I never recall having seen Mr. Morgan during the campaign.

Q. Do you know that he was active in your behalf during the election?—A. No.

Q. Did you hear it from any source?—A. No.

Q. Do you know William Harris, the general outside foreman for the D. & H.?—A. Yes.

Q. Did you know that he was active in your behalf?—A. No.

Q. Had you ever heard of it?—A. No, I don't recall ever having seen Harris, either.

(The contestee now formally moves to strike out and expunge from the record all the testimony given on behalf of the contestant, for the reason that the notice of the contestant was not served upon the contestee within the period fixed by the statute.)

ELIAS COHEN, recalled by contestee:

Examination by Mr. JONES:

Q. Have you here the official record of the vote as returned to the court and tabulated and counted by the court for the election held Nov. 8, 1910?—A. Yes.

Q. I wish you would read into the record the official certificate of the court, setting forth the result of the election and the date of the announcement.—A. This is the way the certificate reads:

"Result of General Election November 8, 1910: We, the undersigned, the law judges of the court of common pleas of Luzerne County, Hon. George S. Ferris, president judge; Hon. Henry A. Fuller, Hon. John M. Garman, and Hon. Benjamin R. Jones, do certify that on the 10th day of November, A. D. 1910, being the second day after the election held on the Tuesday next following the first Monday of November, A. D. 1910, we met for the purpose of opening the returns, and Thomas W. Powell, prothonotary being present, with William L. Pace, Michael E. Gaughan, Jeremiah M. Hoover, Arthur A. Casper, William H. Covert, George

A. Edwards, James P. Smith, Charles R. Oliver, H. B. Payne, Hayden Williams, James McCabe, S. F. Pauxtis, Arthur O. Kleeman, Elias Cohen, John F. Boyle, Joseph O. Main, Harry W. Pursel and D. S. Clark, who, being duly sworn as his assistants, opened said election returns and caused the same to be added together in our presence; that the votes cast were carefully added together by the said prothonotary and his assistants, and the foregoing is a correct table of the number of votes returned for the several candidates mentioned in the count aforesaid.

"In witness whereof we have hereunto set our hands and caused the seal of the court of common pleas to be affixed at Wilkes-Barre, in the County of Luzerne, Pa., this 12th day of November, A. D. 1910.

"GEORGE S. FERRIS,
"HENRY A. FULLER,
"JOHN M. GARMAN,
"BENJAMIN R. JONES,
"Judges.

"[SEAL.]

"Attest:

"T. M. POWELL, Prothonotary.

Q. Have you the Wilkes-Barre Record Almanac showing the official census returns for Luzerne County for 1910?—A. Yes.

Q. What was the population of Luzerne County as ascertained by the census of 1910?—A. 343,186, according to this.

(Contestee offers in evidence the official census returns of all the districts and municipalities in the congressional district.)

Q. How many election districts were there in Luzerne County in 1910 at the time of this election?—A. Three hundred and eleven.

Cross-examination by Mr. JENKINS:

Q. This George A. Edwards, who appears as one of the counting board, is a newspaper man in this city, isn't he?—A. Yes; and Arthur Casper is a newspaper man, and Hayden Williams and William H. Covert also.

Q. What is the occupation of Pauxtis?—A. He is to be a lawyer. He graduated in the University of Pennsylvania in law.

Q. And John F. Boyle is an attorney?—A. Yes.

Q. Kleeman is an attorney?—A. Yes; and Harry Pursel has a livery stable.

Q. He is a former livery-stable man?—A. Yes.

Q. What is the occupation of Hoover?—A. A clerk about town.

Q. James B. Smith?—A. A clerk in the commissioner's office.

Q. Main is an attorney?—A. Yes; and McCabe is an attorney in Wilkes-Barre.

Q. And you are a clerk in the courthouse and live in this city?—A. Yes.

Q. Where does Covert live?—A. In Wilkes-Barre city.

Q. Clark is a constable in Kingston?—A. Yes.

Q. And H. B. Payne is an attorney at this bar, living in Kingston?—A. Yes, sir.

Adjourned until 1:30 p. m., at the office of Evan C. Jones, Esq., Second National Bank Building, Wilkes-Barre, Pa.

Hearing resumed at 1 o'clock p. m., at the office of Evan C. Jones, Esq., Second National Bank Building, Wilkes-Barre.

Contestee offers in evidence certified list of the number of votes registered in the congressional district at the last election, showing the registration in each of the respective election districts and precincts in the county, as follows:

I, Crawford C. Smith, chief clerk to the commissioners of Luzerne County, hereby certify that I have examined the register books returned to this office during the months of September and October, 1910, and find the registered vote in each voting precinct of the county to be as follows:

Butler Township, Upper Lehigh district-----	71
Freeland Borough-----	
First ward-----	210
Second ward-----	204
Third ward-----	149
Fourth ward-----	280
Fifth ward-----	356
Sixth ward-----	228

Foster Township:

Sandy Run district.....	119
South district.....	173
North district.....	87
Pond Creek district.....	43
Drifton district.....	144
Woodside district.....	115
Hazle Brook district.....	102
East district.....	63
Northwest district.....	118

Hazle Township:

First district, Jeddo.....	223
Second district, Ebervale.....	221
Third district, Milnesville.....	207
Fourth district, Harleigh.....	49
Fifth district, Hazleton.....	112
Sixth district, Harwood.....	131
Seventh district, Beaver Brook.....	150
Eighth district, Jeanesville.....	189
Tenth district, Stockton.....	78
Eleventh district, Drifton.....	186
Twelfth district, Lattimer.....	298
Thirteenth district, Humboldt.....	69
Fourteenth district, Cranberry.....	92

Hazleton City:

First ward.....	165
Second ward.....	172
Third ward, first district.....	138
Third ward, second district.....	123
Fourth ward.....	158
Fifth ward.....	124
Sixth ward.....	95
Seventh ward.....	170
Eighth ward.....	209
Ninth ward, first district.....	160
Ninth ward, second district.....	145
Tenth ward.....	260
Eleventh ward.....	276
Twelfth ward.....	336
Thirteenth ward.....	124
Fourteenth ward.....	308

Jeddo Borough:

West Hazleton:	
First ward.....	255
Second ward.....	248
Third ward.....	335

*Second legislative district.***Ashley Borough:**

First ward.....	490
Second ward.....	252
Third ward.....	345

Black Creek Township:

First district.....	202
Second district.....	136

Bear Creek Township:

Buck Township.....	62
Butler Township.....	37

Butler Township:

First district.....	228
Third district.....	120

Conyngham Borough

Dorrance Township.....	127
Denison Township.....	174

Denison Township:

First district.....	135
Second district.....	28
Third district.....	8

Second legislative district—Continued.

Fairview	205
Hollenback Township	153
Hanover Township:	
North district	456
South district	306
Third district	158
Fourth district	471
Fifth district	120
Laurel Run Borough:	
First ward	121
Second ward	45
Nescopeck Township:	
East district	100
West district	60
Nescopeck Borough:	
West first district	176
South second district	143
North third district	134
Nuangola Borough	29
Sugar Loaf Township:	
North district	124
Southwest district	134
East district	70
Sugar Notch Borough:	
East district	190
Middle district	105
West district	174
Wright Township	84
Warrior Run Borough	225
White Haven Borough:	
North district	152
South district	175
Wilkes-Barre Township:	
North district	83
South district	304
First middle district	345
Second middle district	300

Third legislative district.

Avoca Borough:	
First ward	390
Second ward	512
Third ward	315
Hughestown Borough	365
Jenkins Township:	
North district	258
South district	509
Middle district	446
Jenkins Township, fourth district	306
Lafin Borough	55
Miners Mills Borough:	
First ward	223
Second ward	316
Parsons Borough:	
North district	525
Northwest district	88
South district	285
Pittston Township:	
North district	199
East district	92
South district	282
Fourth district	210

Third legislative district—Continued.

Pittston City:	
First ward	81
Second ward	69
Third ward	96
Fourth ward	182
Fifth ward	119
Sixth ward, first district	180
Sixth ward, second district	105
Seventh ward	185
Eighth ward	81
Ninth ward	84
Tenth ward	193
Eleventh ward	136
Plains Township:	
First district	275
Second district	216
Third district	245
Fifth district	215
Sixth district	361
Seventh district	163
Eighth district	50
Ninth district	136
Tenth district	102
Yatesville Borough district	174

North legislative district.

Conyngham Township:	
North district	95
East district	32
Middle district	80
South district	103
Fairmount Township:	
East district	86
West district	109
Middle district	72
Hunlock Township:	
North district	90
South district	110
Huntington Township:	
North district	78
South district	116
Middle district	101
Harveyville district	65
Newport Township:	
First West district	273
Second West district	303
Middle district	379
Fourth district	148
Fifth district	264
Nanticoke Borough:	
First ward	277
Second ward	228
Third ward	75
Fourth ward	144
Fifth ward	475
Sixth ward	265
Seventh ward	228
Eighth ward	254
Ninth ward	58
Tenth ward	33
Eleventh ward	573
New Columbus Borough	45
Ross Township:	
East district	125
West district	101
North district	86

North legislative district—Continued.

Slocum Township	119
Shickshinney Borough:	
First ward	147
Second ward	116
Third ward	160
Fourth ward	79
Union Township:	
North district	100
South district	118
Salem Township:	
Southeast district	153
Southwest district	207
Northeast district	81
North district	47

Fifth legislative district.

Edwardsville Borough:	
First ward	704
Second ward	402
Third ward	240
Fourth ward	264
Fifth ward	103
Sixth ward	132
Seventh ward	232
Kingston Borough:	
First ward	397
Second ward	401
Third ward	433
Fourth ward	404
Larksville Borough:	
First ward	242
Second ward	154
Third ward	235
Fourth ward	308
Fifth ward	309
Sixth ward	379
Seventh ward	300
Plymouth Borough:	
First ward	472
Second ward	244
Third ward	304
Fourth ward	232
Fifth ward	289
Sixth ward	382
Seventh ward	212
Eighth ward	200
Ninth ward	330
Tenth ward	128
Eleventh ward	229
Twelfth ward	230
Thirteenth ward	213
Plymouth Township:	
First west district	86
Second west district	147
Third west district	185
Fourth west district	138
Fifth west district	50
Sixth west district	154

Sixth legislative district.

Courtdale Borough	134
Dallas Borough	171
Dallas Township:	
North Township	102
South Township	175

Sixth legislative district—Continued.

Dorranceton Borough:	
First ward	299
Second ward	220
Third ward	173
Fourth ward	311
Duryea Borough:	
First ward	203
Second ward	420
Third ward	454
Fourth ward	205
Fifth ward	190
Exeter Borough:	
First ward	81
Second ward	183
Third ward	235
Exeter Township	145
Franklin Township	133
Forty Fort Borough:	
First ward	215
Second ward	208
Third ward	163
Jackson Township	155
Kingston Township:	
Northeast district	71
Northwest district	231
Lehman Township:	
Southwest district	85
Northeast district	61
Middle district	138
Lake Township:	
North district	103
Middle district	132
South district	103
Luzerne Borough:	
First ward	308
Second ward	241
Third ward	244
Fourth ward	210
Pringle Township:	
First district	281
Second district	209
Swoyersville Borough:	
First ward	251
Second ward	384
Third ward	155
West Pittston Borough:	
First ward	135
Second district	215
Third district	185
Fourth district	175
Fifth district	172
Sixth district	216
Seventh district	223
Eighth district	131
Ninth district	191
Wyoming Borough:	
First ward	281
Second ward	204
Third ward	217
West Wyoming Borough	371

Seventh legislative district.

Wilkes-Barre city:	
First ward—	
First district.....	142
Second district.....	194
Second ward—	
First district.....	225
Second district.....	198
Third ward—	
First district.....	158
Second district.....	120
Third district.....	152
Fourth district.....	62
Fourth ward.....	200
Fifth ward—	
First district.....	108
Second district.....	84
Sixth ward—	
First district.....	157
Second district.....	133
Third district.....	104
Seventh ward.....	130
Eighth ward—	
First district.....	136
Second district.....	107
Ninth ward—	
First district.....	129
Second district.....	167
Third district.....	96
Tenth ward—	
First district.....	254
Second district.....	155
Eleventh ward—	
First district.....	118
Second district.....	117
Third district.....	116
Twelfth ward—	
First district.....	253
Second district.....	109
Third district.....	125
Fourth district.....	41
Thirteenth ward—	
First district.....	112
Second district.....	228
Third district.....	173
Fourth district.....	149
Fifth district.....	209
Fourteenth ward—	
First district.....	215
Second district.....	69
Third district.....	162
Fourth district.....	132
Fifth district.....	150
Fifteenth ward—	
First district.....	254
Second district.....	174
Third district.....	240
Sixteenth ward—	
First district.....	152
Second district.....	87
Third district.....	248
Fourth district.....	105

Certified from the records this 28th day of April, A. D. 1911.

[SEAL.]

CRAWFORD C. SMITH.

W. I. FLEMING, called on behalf of the contestee and duly sworn by Commissioner Opp.

Examination by Mr. JONES:

Q. Where do you live?—A. My home is in Bellefonte, Pa.

Q. What is your occupation?—A. I am a clerk in the office of the secretary of the Commonwealth at Harrisburg.

Q. Whether or not you have produced here the nomination papers in your office, the nomination papers of the Keystone party or policy, of the State of Pennsylvania, for the eleventh congressional district, filed in your office by George McLean?—A. These are the papers prepared by Mr. McLean for filing [witness produces paper].

Q. What part of this partition was brought there originally by Mr. McLean?—A. There were three papers filed subsequently to the first paper; I couldn't tell you exactly which they are, but that [indicating] is, I think, one of them.

Q. What is the date of this first paper?—A. October 4. That is really the last paper.

Q. What is the date; isn't there a date marked on the papers?—A. September 30, 1910.

Q. Now, I wish you would read what is on the outside of the cover of that petition, beginning with the word "Filed."—A. [Reading.] "Filed in the office of the secretary of the Commonwealth, September 30, 1910. Louis E. Beitler, deputy secretary of the Commonwealth."

Q. Whether or not that has been scratched out with a blue pencil?—A. It has.

Q. What was originally under that blue pencil?—A. [Reading.] "Not filed; insufficient number of signatures."

Q. Have you counted the signatures on the papers filed by Mr. McLean?—A. Yes; the papers filed are all here.

Q. How many were there?—A. Five hundred and seventy-seven.

Q. I now show you the prothonotary's return of the votes cast in the county of Luzerne for the office of judge of the court of common pleas on November 2, 1909. Whether or not that is a file of your office?—A. Yes, sir; that paper was filed in the office of the secretary of the Commonwealth.

Q. And you have brought it now from the office of the secretary of the Commonwealth, have you?—A. Yes, sir.

Q. Whether or not this paper shows the highest vote cast, the entire vote cast for any one candidate at the election immediately preceding the election of November 8, 1909?—A. That is the only return we have from your county for that year.

Q. The only return?—A. Yes, sir.

(Contestee offers in evidence the file from the prothonotary's office of the county of Luzerne to the secretary of the Commonwealth of Pennsylvania, as follows:

To the SECRETARY OF THE COMMONWEALTH:

STATE OF PENNSYLVANIA, County of Luzerne, ss:

I, Henry Walser, prothonotary of the court of common pleas in and for said county, do hereby certify that it appears from the returns of the general election held in said county on the Tuesday next following the first Monday of November, being the 2d day of November, A. D. 1909, as computed in the presence of the judges of said court, by the proper officer and his sworn assistants, and duly certified and filed by the said judges in my office that the following is the number of votes cast for the several candidates for the office of judge of the court of common pleas: Republican, John M. Garman had 16,597 votes; Democrat, John M. Garman had 12,242 votes; Socialist, John M. Garman had 390 votes.

In testimony whereof I have hereunto set my hand and caused the seal of the said court to be affixed this 6th November, 1909.

[SEAL.]

HENRY WALSER, Prothonotary.

Q. Have you made a total of these votes as returned?—A. Yes.

Q. What does the entire vote cast for Judge Garman in this county amount to?—A. 29,589.

Q. What is 2 per cent of that?—A. 592; it is a fraction over one-half.

Q. It is 591.78?—A. Yes.

Q. Whether or not these papers of Mr. McLean's were filed in the office of the secretary of the Commonwealth?—A. No; they were not filed.

Q. How does that erasure come to be on the face of it?—A. He marked that off here.

Q. In whose charge was that left in the first instance?—A. With Mr. Thorne: the chief clerk received the papers.

Q. Whether or not it was your duty to receive them?—A. Not necessarily mine, but I have charge of most of the work in the office.

Q. After the stamp had been made on them, how was it discovered that there was not enough names upon them?—A. I don't just recollect how that happened, but those questions arise in the office about these different papers, and they are passed on finally when they are recorded.

Q. First a paper is filed, and afterwards recorded in what?—A. We have a record kept there of the nomination for the different candidates and districts.

Q. Whether that paper you have in your hand, containing these 577 names was subsequently recorded in your office as filed?—A. I think there was some records made of it; yes, sir.

Q. Whether or not it was made a file in your office, filed as a nomination paper?—A. No; it was not.

Q. Why not?—A. Because of the fact that there was not a sufficient number of signatures.

Q. There should have been 591?—A. Yes; 592, really, that would have required.

Cross-examination by MR. LENAHAN:

Q. How long have you been connected with the secretary of the Commonwealth's office?—A. About 15 years last August.

Q. You live in Bellefonte, I understood you to say?—A. Yes.

Q. What was your business before you went into the office of the secretary of the Commonwealth?—A. I was in the insurance business.

Q. The law says that—I will show you these nomination papers that you have offered in evidence and ask you in whose handwriting, "Filed in the office of the secretary of the Commonwealth, September 30, 1910." Whose handwriting is that?—A. "September 30" is my handwriting.

Q. Then that was filed by you—that nomination paper was filed by you on the 30th of September, 1910?—A. Well, I didn't receive that paper, I don't think.

Q. Yes, you did receive that paper. You are the man who received it. That was marked "filed" by you on September 30, 1910.—A. That is my handwriting.

Q. It was marked by you?—A. Yes.

Q. Have you any other manner of marking or filing nomination papers, except what is on this paper?—A. No, sir.

Q. Then as to what you call erasures on this paper. There are no erasures on it. Some one has drawn two blue lines at cross angles on it. That is the only erasure, isn't it?—A. Yes.

Q. Now let me refresh you. And then underneath that has been written by some one—is that your handwriting?—A. No.

Q. There has been written by some one, "Not filed, insufficient. No sigs." Whose handwriting is that in?—A. I think that is Thorne's handwriting.

Q. Why was that crossed off?—A. Because, when it was discovered that there was not sufficient signatures on the basis of the judicial vote.

Q. Is that the only reason that you can give for tampering with a paper belonging to the State Department? Is that the only reason that you can give?—A. Yes, that is the only reason I can give.

Q. And do you mean to say that down in the State Department you make erasures such as appears on here?—A. I didn't make the erasures.

Q. I am not asking about you individually, but your department; you do that?—A. Yes, sir.

Q. Tell me of another case when you did that in your department.—A. I can't think of any just now.

Q. I now call your attention to this fact. I wish you would look at this young gentleman here, Mr. Turner. Do you recognize him?—A. I think I have seen Mr. Turner, yes.

Q. Mr. Turner came to your office after he had seen Mr. Thorne and he met you in the office and showed you a "Preemption Certificate" from the prothonotary of Dauphin County, of which county Harrisburg is the county seat?—A. Yes.

Q. You remember that, don't you?—A. I don't recall it exactly; we had so many of these papers.

Q. And you took this paper out of your desk, didn't you?—A. I don't recall where I took it from.

Q. And then you compared, in the presence of this gentleman, you compared the number of signatures upon this paper with a total of the vote cast in this congressional district two years before that and you said to him this paper contains a sufficient number of signatures. Didn't you?—A. On that basis; yes, sir.

Q. And then you filed the paper, didn't you?—A. I received it—

Q. No, you filed it. Haven't you marked on there that you filed it?—A. All I had—

Q. I am not asking about what you had, I am talking about this particular paper.—A. I didn't file it at all.

Q. You marked on that paper showing that it was filed, didn't you?—A. No.

Q. Read on that paper what is on it, with the printing that is on it.—A. The deputy signed that paper.

Q. I am not asking you that at all. Read what you put on at that time?—A. I put that on there, yes.

Q. You marked on this paper, "Filed in the office of the Secretary of the Commonwealth, September 30, 1910," didn't you?—A. I filed it in.

Q. You filed in that paper showing it was filed September 30, 1910?—A. That paper, yes.

Q. And then the deputy secretary of the Commonwealth signed it.—A. Yes.

Q. And then that paper was filed as much as any paper could be filed in your office, wasn't it?—A. I don't know.

Q. You are 15 years connected with the department and you say you don't know whether that paper was not as much filed as any paper relating to nominations could be filed? In your office?—A. I thought at the time that this—

Q. I am not asking that. That is so?—A. At the time, yes.

Q. Then, when did you draw these lines over that, or whoever did do that?—A. I don't know that.

Q. Why didn't the officer who did that include on there a note as to when it was done?—A. I don't know that. I thought when the paper was filed that there were enough, and that it was all right.

Q. Yes, that is so; and we think yet that it is all right. I will read to you the act of assembly and ask you if this is not the law applicable to the filing of papers. This is the act of April 21, 1903, section 1, P. L. 224, as follows: "It shall be the duty of the officer or officers to whom any nomination certificate or paper is brought for the purpose of filing, to examine the said certificate or paper, and if it lack sufficient signatures, or be otherwise manifestly defective, it shall not be filed, but the action of said officer or officers in refusing to receive a certificate or paper, may be reviewed by the court of common pleas of the county upon an application for a mandamus to compel its reception as of the date when it was brought to the office." That is the law and was the law when this paper was filed?—A. Yes, sir.

Q. And you told Mr. Turner at the time after making a comparison of the vote that had been cast here the previous year, you said to Mr. Turner that the certificate contained a sufficient number of votes, didn't you?—A. On the basis of that vote, yes, sir; but —

Q. And that vote which you took that basis from was the vote that was cast for Congressman in 1908, in the eleventh congressional district, wasn't it?—A. Yes.

Q. What is the last day under the law of Pennsylvania, for filing nomination papers for Congress?—A. Thirty-five days before the election.

Q. And the election in Luzerne County or in the State of Pennsylvania and in Luzerne County for the office of Congressman was on what time in November?—A. The 8th of November it was last year.

Q. Please tell me the date that it was discovered that the basis that you had taken, to wit, the vote cast for Congress in 1908, was not the proper basis on which to calculate.—A. I don't recall the date.

Q. When was your attention called to that first?—A. I can't recall that.

Q. Isn't it a little strange that in your office that although this paper was filed as appears from your writing here, on September 30, that your office never notified Mr. McLean of the fact that he didn't have sufficient signers to his nomination papers on the Keystone ticket, until October 10, ten days after-

wards?—A. We go over all these papers, and in the rush sometimes we can't examine them as carefully as we otherwise would.

Q. Isn't that a little singular?—A. No.

Q. That the Republican secretary of state should not have notified the candidate on the Democratic ticket that his nomination papers for the Keystone ticket were not filed until the 35 days had elapsed, when he would have an opportunity to add sufficient names?—A. Mr. Lenahan, let me say to you this, that there is absolutely no party feeling or anything of that kind in that office.

Q. I understand that, and this country understands that Penroseism doesn't prevail in this State. That is a thing that Pennsylvania don't understand, but they do outside of Pennsylvania. I ask you again, isn't it a little singular that Republican secretary of state, who as you know is one of Penrose's leaders in Pittsburgh—you know that—isn't it a little singular that this man should have waited until the 35 days elapsed before he notified Mr. McLean? Isn't it?—A. The secretary of the Commonwealth never saw that paper. I don't think.

Q. You know he didn't. He only had to give his orders, you know.—A. And there were no orders.

Q. Isn't it a little singular? I will put it this way to you: Isn't it a little singular that from the office of one of Penrose's bosses no notice should have come until the 35 days had elapsed, to McLean?—A. Mr. Lenahan, I don't think for one minute that he knew anything about this paper at all.

Q. Has it any significance?—A. No; none whatever.

Q. Will you give me one instance in which you calculated the vote as you did in Luzerne County?—A. In nomination papers?

Q. Yes. What instance is it?—A. I have done it in a number of instances. I can't cite any just now.

Q. Just give one. I know of none from the examination that I have made.—A. There are very few districts where it is done. But, for instance, in Schuylkill County the judicial and congressional districts are the same, and in Lackawanna County, and in this county. In the other two counties there was no Judge elected in 1909. There are so few instances of this kind.

Q. This has happened other years besides this year. Give me one instance where you drew the lines against a Democratic candidate who was seeking the indorsement on the Keystone ticket. Give me one single instance except in this case, where you have drawn the lines as you did draw them after admitting that his nomination was correct. His papers.—A. If the case were reversed—

Q. I am not asking that. Can you give me an instance?—A. No; not now. If the cases were reversed, and Mr. Bowman were the man, he would have received just the same notice.

Q. He didn't need to have any notice.—A. There is not any politics there.

Q. I now also show you the notice, or certificate that Mr. Jones has offered in evidence, furnished to your office by the prothonotary of Luzerne County, and ask you who made the alteration in that word "nine" there?—A. I don't know.

Q. But there is evidently an alteration there, isn't there?—A. I never noticed that; that paper is just as it came to us.

Q. You don't know who made that alteration?—A. No; that is just as it came to us.

Q. This certificate purports to be attested as follows: "In testimony whereof I hereinunto set my hand and cause the seal of the said court to be affixed this 6th day of November, A. D. 1909." That last "9" has been substituted for some other number, has it not?—A. No; 1909.

Q. Don't it show that there has been a substitution?—A. No.

Q. No; I am talking about the paper itself.—A. I know nothing about that.

Q. I am asking you now from the appearance of that?—A. The only thing that I can see is that it is written with, I should say, a heavy hand. I know nothing about that certificate. It is as we got it, that is all.

Q. I will ask you to look at the back of this and ask you if on the back of this certificate the following inscription appears: "Election," printed, and "Nov. 2, 1909." And I will ask you if there is any erasure where the "Nov. 2," is written? If it is not apparent on the face of it?—A. It looks a little that way to me.

Q. And I call your attention to the "9," November 2, 1909, the last "9" and ask if that don't also bear the appearance of having been erased?—A. That was the date of the election that year.

Q. I am not talking about that. I asked if it did not appear, or bear the appearance of an erasure?—A. Yes; but when or where it was made I don't know.

Q. I am not asking you about that. That is the trouble with you western gentlemen; you immediately think that we are accusing you. I haven't accused you of anything, or your office either. When did you get this prothonotary's certificate?—A. I got it on Saturday; it was taken out of the files on Saturday. It came into the office in its regular course.

Q. When did it come into your office?—A. I can't say—after the election in 1909.

Q. There is no date to show when it was filed?—A. No.

Q. Nothing at all?—A. No; we just filed it, as we get them that way.

Q. This district in which Mr. McLean is running is the eleventh congressional district of Pennsylvania?—A. Yes; as I remember it; yes, sir. Luzerne County.

Q. And the judicial district here and the congressional district are the same?—A. I think it is as I remember it.

Q. And the judicial district and the congressional district are coextensive in point of territory, are they not?—A. Yes; as I remember it.

Q. Now, I just want you to identify some letters.—A. I don't know whether I saw these or not. Thorne wrote those letters.

Q. That is his handwriting?—A. Yes; Thorne wrote those letters. The letter I refer to being a letter dated April 25, 1911, addressed to George R. McLean, and the letters being marked "Contestant's Exhibits A-1, A-2, A-3" for identification. They were written by Mr. Thorne.

Q. What do you do down there?—A. I am merely a clerk, but Thorne is chief clerk. I have charge of the election work.

(Contestee offers in evidence a section of the act of July 9, 1897, Pennsylvania Laws, 223, referring to the nomination of public officers for any office by nomination papers, and providing, *inter alia*, as follows:

"Where the nomination is for any office to be filled by the voters of the State at large the number of the qualified electors of the State signing such nomination paper shall be at least one-half of 1 per cent of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for. In the case of all other nominations the number of qualified electors of the electoral district or division signing such nomination paper shall be at least 2 per cent of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination paper is designed to be made."

Contestee rests.)

I hereby certify that the foregoing named witnesses were duly produced, sworn and examined before the commissioners within named at the several times and places noted; that their testimony, as well as the contents of the various offers and exhibits, and objections of the respective counsel, were taken down by me in shorthand; and that the above and foregoing is a true and correct typewritten transcript of the same.

H. F. GEDDES, *Stenographer.*
THOMAS A. MCANDREWS,
Stenographer.

STATE OF PENNSYLVANIA, County of Luzerne, ss:

We, John A. Opp and Arthur L. Turner, notaries public, duly authorized under the laws of the State of Pennsylvania and holding unexpired commissions authorizing us to administer oaths and take depositions, and in pursuance of the provisions of sections 110, 111, and 112, of the Revised Statutes of the United States, do hereby certify that on the several days, at the several times and places mentioned on pages 1 to 440, inclusive, we were attended by the several witnesses mentioned therein, who, being severally sworn to tell the truth, the whole truth, and nothing but the truth, in a cause there pending in the House of Representatives of Congress of the United States of America, wherein George R. McLean was the contestant for a seat in the House of Representatives of the Sixty-second Congress of the United States of America from the eleventh congressional district of the State of Pennsylvania, and the Hon. C. C. Bowman was the contestee, did depose and say, as in their depositions filed with the Clerk of the House of Representatives pursuant to law, doth appear.

And we do further certify that upon the several hearings, we were attended by Hon. John T. Lenahan, John E. Jenkins, Esq., and A. C. Campbell, Esq., as counsel for the contestant, and Evan C. Jones, Esq., John H. Dando, Esq., and William L. Bowman, Esq., as counsel for the contestee, and that legal proof of notice to said contestant of the time and place of taking said depositions was made.

And we do further certify that pursuant to an agreement entered into by counsel for all parties concerned, the said depositions were correctly reported, accurately transcribed, and reduced by Thomas A. McAndrews and H. F. Geddes, stenographers, and that the transcript of the same, as sealed up and forwarded by us to the Clerk of the House of Representatives aforesaid, is a full, true, and correct transcript of all the testimony taken and evidence adduced upon said several hearings.

And we do further certify that we are not related by blood or marriage to any of the parties in this cause, nor are we interested directly or indirectly in the event of said cause.

And we do further certify that on the 14th day of June, 1911, the said depositions and evidence were by us duly sealed and mailed to Hon. South Trimble, Clerk of the House of Representatives, at Washington, D. C.

In testimony whereof, we have hereunto set our hands and affixed the seal of our office this 14th day of June, 1911.

[SEAL.]

J. A. OFF,

Notary Public, Commissioner appointed by Contestee.

My commission expires March 12, 1915.

ARTHUR L. TURNER,

Notary Public, Commissioner appointed by Contestant.

My commission expires January 21, 1915.

TESTIMONY FOR CONTESTANT IN REBUTTAL.

Notice of hearing, names of witnesses, etc.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON, EVAN C. JONES, and JOHN H. DANDO, Esqs., his attorneys:

You are hereby notified that on Saturday, the 6th day of May, 1911, at 10 o'clock in the forenoon, at room No. 12 (sheriff's salesroom) in the courthouse of Luzerne County, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania, residing in the city of Wilkes-Barre, in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

George Wagner, Olin F. Harvey, Jr., Wilkes-Barre, Pa.; George F. Buss, Thomas English, Thomas Loftus, John J. Donnelly, Pittston, Pa.; David T. Davis, William H. Hines, B. F. Williams, Eugene T. Gierling, Morris Schulz, Wilkes-Barre, Pa.; C. H. Brandt, Kingston, Pa.; Nina J. Robinson, Pittston, Pa.; Crawford C. Smith, Wilkesbarre, Pa.; Martin Mullin, Avoca, Pa.; F. L. Schott, Wilkes-Barre, Pa.; Martin Howley, Pittston Township, Pa.; Alexander Ricketts, William S. McLean, Jr., Charles B. Meekins, George R. McLean, Francis Douglas, E. G. Smith, Wilkes-Barre, Pa.; John J. Moore, Plymouth, Pa.; John Scripp, Swoyersville, Pa.; M. T. Walsh, Edwardsville, Pa.; Andrew Hunlock, William J. Trembath, John J. McGuigan, Wilkes-Barre, Pa.; Michael J. Mulvey, Miners Mills, Pa.; Thomas Thomas, Dorranceton, Pa.; Chester Stroebel, Wilkes-Barre Township, Pa.; J. J. Manley, C. C. Bowman, Pittston, Pa.

GEORGE R. MCLEAN, *Contestant.*

Service accepted May 1, 1911.

EVAN C. JONES, *Counsel for Contestee.*

SATURDAY, MAY 6, 1911—10 A. M.

Met at sheriff's salesroom.

Appearances: George R. McLean, contestant, in person; John T. Lenahan Esq., John E. Jenkins, Esq., A. C. Campbell, Esq., attorneys for contestant; Arthur L. Turner, commissioner for contestant; Evan C. Jones, Esq., and John Dando, Esq., attorneys for contestee.

WILLIAM J. TREMBATH, called on behalf of contestant in rebuttal.

Examined by Mr. JENKINS:

Q. You have already testified that you have been a practicing lawyer at this bar?—A. Yes.

Q. For how many years?—A. Since 1888.

Q. Continuously a resident of the county of Luzerne and the city of Wilkes-Barre?—A. Yes.

Q. Do you recall the election held—the county election held in November, 1906?—A. I remember there was such an election.

Q. Were you connected in any way with an organization—a volunteer organization, a citizens' organization—that was effected immediately after that election?—A. Yes.

Q. Can you give the name of that organization?—A. It was a lengthy name. I am not sure that I can. I am not sure that I can give it with exactness. It was a citizens' committee for the prosecution of the election frauds committed in the November election, 1906.

Q. That was substantially the name of the organization?—A. That was substantially the title.

Q. What was the occasion or the inception of that organization?

Mr. JONES. Objected to, first, as not being in rebuttal of anything shown by the contestee, and second, as being, in any event, immaterial and irrelevant to this issue.

Q. You may answer, please, Mr. Trembath.—A. There was a storm of indignation over the alleged falsification of the returns and the corrupt use of money in that election.

Q. What steps were taken by the citizens, prompted by righteous public indignation?—A. A meeting of 50 men, citizens of Luzerne County, was held in the Sterling Hotel pursuant to a call by a number of citizens, and at that meeting the committee of which I spoke was organized—appointed.

Q. You were a member of that committee?—A. Yes.

Q. Whether Mr. Andrew Hunlock, of this city, was a member of this committee?—A. Yes.

Q. What office did he hold?—A. He was treasurer of the committee.

Q. What, if any, steps did the committee take or authorize to deal with the alleged corruption of the ballot and the fraud of the election of that year? (Objected, as before.)

A. Counsel were retained and a fund of money collected and appeals made under authority of the corrupt-practice act, passed 1906, for the audit of certain accounts filed by candidates and by chairman of political committees.

Q. What other steps were taken with reference to the alleged prosecution of crime, alleged to have been committed by money and by corrupting the ballot?—

A. Information was lodged against them, and they were tried and convicted.

Q. I will ask you whether the office of district attorney was an office to be filled that election?—A. Yes.

Q. I will ask you whether the frauds which were alleged to have been committed affected or intended to affect the title to the district attorney and if so believed?—A. It was so believed.

Q. What steps were taken by the committee under the laws of Pennsylvania?—A. A petition was filed under the scope of the corrupt-practice act and an auditor was appointed.

Q. I mean with reference to the appointment of special prosecution officers.—

A. Application was made to the governor of the State of Pennsylvania, and, as I recall it, Hon. Henry A. Fuller, of Wilkes-Barre, and James Scarlet, of Danville, were appointed counsel; but Fuller, by reason of his campaign for judge, resigned, and Scarlet, becoming involved in the capitol investigation, resigned, and John McGahren and John H. Williams subsequently became counsel.

Q. Both of these gentlemen are practicing lawyers of the Luzerne County bar?—A. They were at that time.

Mr. JONES. To the objection already offered to this testimony contestee urges the further objection to practically all that Mr. Trembath has testified, because if at this point it be material at all the record is the best evidence.

Q. With reference to Hon. Henry A. Fuller, who was appointed district attorney by the governor of Pennsylvania, special prosecuting officer, afterwards he was appointed to fill the vacancy on the bench?—A. Yes.

Q. And about the same time exposures concerning the construction of the State Capital at Harrisburg were made charging persons connected with the construction of that building with crime?—A. Yes, sir.

Q. And Mr. James Scarlet was appointed special prosecuting officer in those cases for the State Capital?—A. Yes; I have so testified.

Q. Do you recall who was returned as elected to the office of district attorney that year?—A. Yes; Abram Salsburg.

Q. On what ticket was he?—A. On the Republican ticket.

Q. Who conducted the campaign on behalf of the Republican ticket; who was the chairman of the county committee that year?—A. Jonathan R. Davis.

Mr. JONES. Objected to as immaterial and irrelevant.

Q. You have stated that certain expense accounts as filed under the corrupt-practice act were excepted to by the committee. Can you state what accounts those were?—A. Yes; Jonathan R. Davis, county chairman of the Republican Party, and Fred Kirkendall, county chairman of the Democratic Party; B. J. Cobleigh, Roosevelt Square Deal ticket, for Congress; Abram Salsburg, Republican candidate for district attorney; Lewis K. Salsburg, chairman of the Salsburg political committee. That is all I can recall.

Mr. JONES. Contestee moves that all the testimony given by the witness be expunged from the record for the reason stated in the objection heretofore given.

ANDREW M. HUNLOCK, called on behalf of contestee in rebuttal and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Mr. Hunlock, you are a resident of the city of Wilkes-Barre and have been for many years?—A. Yes, sir.

Q. Were you a member of the committee for the prosecution of fraud committed at the election held in November, 1908?—A. Yes, sir.

Mr. JONES. Objected to for the same reason urged against Mr. Trembath's testimony.

Q. What office did you hold in that organization?—A. I was treasurer of the committee.

Q. Did you have a list of the contributors to that committee?—A. Yes.

Q. Was Mr. C. C. Bowman, contestee in this case, a subscriber to that committee?—A. Yes, sir.

Mr. JONES. This testimony is objected to and a request is made that it be expunged from the record for the reason that it is not in rebuttal.

MISS NINA ROBINSON, recalled for contestant in rebuttal.

Examined by Mr. JENKINS:

A. You are the Miss Robinson who was previously sworn in this case?—A. Yes.

Q. Since the beginning of this testimony in this case you have been, as you were previously, in the employ of Mr. Bowman?—A. Yes, sir.

Q. And work for him daily in his office?—A. Yes.

Q. Do you know where Mrs. Bowman is, the wife of C. C. Bowman?—A. She is abroad.

Q. When do you say she left Pittston?—A. I think that it was the latter part of the month of February.

Q. Miss Robinson, are you able to say more definitely the day?—A. I am not sure; I am not positive.

Q. What—is that the best of your recollection?—A. Yes.

Q. Where did she go?—A. She went first to Amherst.

Q. Amherst, Mass.?—A. Amherst, Nova Scotia.

Q. And remained there how long?—A. I don't know.

Q. And she hasn't returned since?—A. No.

Q. And she is abroad summering in Europe?—A. Yes.

Cross-examination by Mr. JONES:

Q. What is the condition of her health?—A. She hadn't been very well.

Q. You can't say when she went to Europe?—A. I can't say exactly.

Q. It is within the last month, is it not?—A. Yes.

Q. Thomas O'Brien is still working for Mr. Bowman?—A. Yes.

Q. And Mr. St. John?—A. Yes.

Mr. JONES. Same objection to this testimony as the previous testimony and ask that it be expunged from the record as not being in rebuttal.

MICHAEL J. MULVEY, called on behalf of contestant in rebuttal and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

Q. Mr. Mulvey you are a citizen of Wilkes-Barre?—A. No.

Q. Plains?—A. Miners Mills.

Q. That is in this county, Luzerne County?—A. Yes.

Q. You have for a number of years been a detective in this county?—A. Yes.

Q. Have you been engaged in connection with this present contest?—A. I served some papers.

Q. Have you been employed by the contestee?—A. I served some papers.

Q. You are a Democrat in politics?—A. Not always; I have voted for the Republicans.

Q. But generally that is your political affiliation, with the Democrats?—

A. That is, if the ticket is right.

Q. And if both tickets are right you are a Democrat?—A. Yes.

Mr. JONES. We make the same request, that this testimony be expunged from the record as not being in rebuttal.

JOHN MCGUIGAN, called on behalf of contestant in rebuttal, and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

- Q. You are a resident of the city of Wilkes-Barre?—A. Yes.
 Q. And you have been for how many years?—A. Forty.
 Q. What is your business?—A. Well, mostly anything.
 Q. You are a detective?—A. I have been for years, yes.
 Q. What is your politics ordinarily?—A. A good deal of hedging with my politics, mostly any kind.

Q. You are ordinarily a Democrat in national politics, aren't you?—A. Not always.

Q. You were when your brother, Mr. Frank McGuigan, ran for district attorney on the Democratic ticket?—A. Yes, I think that I voted for him on that ticket.

Q. Did you do work for the contestee in this proceeding, this present election contest?—A. I served some subpoenas for them.

Mr. JONES. I make the same request to this testimony as to all the rest, to wit, that it was expunged from the record as not being rebuttal.

REV. C. H. BRANDT, called on behalf of contestant in rebuttal, and duly sworn by Commissioner Turner.

Examined by Mr. JENKINS:

- Q. You are a resident of the city of Wilkes-Barre?—A. No, not now. I was until the 1st of April. I am now a resident of Kingston.
 Q. And you are a clergyman of what church?—A. The Reformed Church of the United States.

Q. What position do you now hold?—A. I am superintendent of the northeastern district of the Pennsylvania Antisaloon League.

- Q. Do you know C. C. Bowman, the contestee in this case?—A. Yes.
 Q. What position did he hold in the spring of 1910 in your organization?—A. He was chairman of the Luzerne County committee.
 Q. When was he elected to that?—A. In June, 1909.

Q. Mr. Bowman testified that he resigned from that office?—A. He did not resign. At least he gave us formal notice of it.

Q. Then Mr. Bowman has been continuously chairman in the county committee of Luzerne County in the Antisaloon League since the year 1909?—A. He was nominally until the latter part of 1910, but he didn't attend any meetings.

Q. Then if he testified he resigned or withdrew from that position he was in error?—A. So far as any official notice was given.

Q. But he did discontinue his activities in that capacity when—about when—he became a candidate for Congress, that was about the month of May or June, 1910?—A. Yes. I might add here, that he did, I think, meet with us, although I am not sure of that, whether he met with us after; but he met with us during the primary campaign of 1910, I couldn't say how many times.

Q. Are you able to state what contributions Mr. Bowman made to the organization?—A. To the Antisaloon League?

Q. Yes?—A. He made no contributions whatever; that is part of our work.

Q. That is part of what work?—A. I don't know if he did or not, I have heard that he contributed.

Mr. JONES. Only of your knowledge.

Q. Did he contribute anything to you?—A. He didn't contribute anything to us. We handle the State work, and the county is handled by the local committee.

Q. Then so far as you know he made no contributions in 1910?—A. So far as I know he made no contributions, so far as I directly know. I have heard rumors, but that is all I know.

Q. Have you any information from a reliable source that he did make contributions?—A. Well, I heard Mr. Bowman say to Mr. Nicholoson that he had contributed \$100. I never heard any report from Mr. Nicholoson. That is the best of my recollection whether the \$100 was contributed.

Q. That was the local work?—A. Yes.

By Mr. LENAHAN:

Q. Let me have the circular you folks issued against McLean.—A. I have a carbon copy here of the one I sent to Harrisburg from which this is a carbon.

Q. Will you answer my question? Will you let me see that circular?—A. I have a copy of it.

Q. Where is it?—A. The original circular?

Q. Where is the copy?—A. Here [witness produces paper].

Q. How many of those circulars did you distribute throughout this congressional district?—A. I can not tell exactly, but I think about twenty-five hundred.

Q. To whom were they sent?—A. Sent to names of new voters and people belonging to churches in this county.

Q. You sent them to church people in the county?—A. Yes.

Mr. LENAHAN. The following is a copy of the circular referred to:

"My DEAR SIR: On November 8, the next general election will be held. At that time State officers, Members of Congress, and members of the State legislature will be elected. At this election to a large degree the question of local-option law for Pennsylvania will be decided. As you, no doubt, understand, under a local-option law the people will have the right to determine by ballot whether or not licenses shall be granted in their respective townships, boroughs, or wards or cities.

"The Anti-Saloon League, which is a nonpartisan movement, has made a thorough investigation of the candidates of every political party on the local-option issue, and as a result of this investigation we take the pleasure of recommending to the voters of Wilkes-Barre the following candidates: For governor, William H. Berry; for Lieutenant governor, D. Clarence Gibboney; for the legislature, Edward Watts.

"These men have openly declared in favor of local option, and if elected can be depended upon to do their utmost to have such a measure passed.

"For Congress C. C. Bowman should be supported. His opponent, George R. McLean, is an attorney for the Stegmaier Brewing Co., and as such would be more or less controlled by the liquor interests. On the other hand, Mr. Bowman is opposed to the liquor traffic and is active in all moral and Christian movements. Consequently, he will be more favorable to temperance measures in Congress than his opponent.

"In view of the prominence and importance of this issue, and, as you no doubt, believe in a fair and square deal for the people, we trust you will cast your ballot for these men and do all in your power to have others do likewise, and thus do your part toward ending rum rule in Pennsylvania.

"Yours, sincerely,
"PENNSYLVANIA ANTI-SALOON LEAGUE,
"C. H. BRANDT, District Superintendent."

(No cross-examination.)

Mr. JONES. We make to this testimony the same objections as we did heretofore, and move that it be stricken from the record, as not being in rebuttal.
(Adjourned until 2:30 p. m.)

Afternoon session met pursuant to adjournment.

GEORGE R. MCLEAN, recalled on behalf of the contestant in rebuttal.

Examined by Mr. LENAHAN:

Q. Mr. McLean, have you the correspondence between you and the secretary of the Commonwealth's office with reference to your name being on the Keystone ticket?—A. Yes.

Q. I wish you would just take the correspondence up in consecutive order.—A. The letters written by me are the letters identified by Mr. Fleming, from the secretary of the Commonwealth's office, at that hearing in Mr. Jones's office, whenever that hearing was. [Reading:]

APRIL 29, 1911.

Hon. ROBERT McAFFEE,

Secretary of the Commonwealth, Harrisburg, Pa.

DEAR SIR: Kindly forward me at your earliest convenience certificate of filing of nomination papers of George R. McLean for Keystone nomination for Representative in Congress from eleventh congressional district of Pennsylvania. Please include in said certificate the total number of names of qualified electors signing same. I have copy of the names and only desire that the certificate shall show the number.

Very truly yours,

GEORGE R. MCLEAN.

And in reply, I received the following letter:

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
Harrisburg, April 22, 1911.

GEORGE R. MCLEAN, Esq.,
Wilkes-Barre, Pa.

DEAR SIR: We have your request for a certificate of filing nomination papers for George R. McLean, for Keystone nomination for Congress in the eleventh congressional district. We are unable to make such a certificate, as we are only permitted to certify to papers recorded or filed, and these papers were not filed. The papers presented for filing contained the names of 577 signers, and as 592 were required under the law the petition was incomplete and could not be filed.

Very truly, yours,

ROBERT MCAFEE,
Secretary of the Commonwealth.
Per G. D. T.

In reply to that letter I wrote as follows:

APRIL 24, 1911.

HON. ROBERT MCAFEE,

Secretary of the Commonwealth, Harrisburg, Pa.

DEAR SIR: I am in receipt of your favor of the 22d instant in answer to request for certificate of filing nomination papers of George R. McLean for Keystone nomination for Congress in the eleventh congressional district.

I note that you state that these papers were not filed, although they were marked filed in the presence of my counsel and gone over carefully first by Mr. Thorne of your office and afterwards by a gentleman who is gray haired and of portly physique and passed upon as complying with the law as to number of signers, etc.

I also note that you state that the papers contained the names of 577 signers and that 592 were required by law. I shall be obliged to you if you will at your earliest convenience state to me upon what figures and what law you based your statement, and oblige,

Very truly, yours,

GEORGE R. MCLEAN.

To which I received the following reply:

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
Harrisburg, April 25, 1911.

GEORGE R. MCLEAN, Esq.,
Wilkes-Barre, Pa.

DEAR SIR: Replying to yours of 24th instant, beg leave to say that the filing of nomination papers is based on section 3 of the act of June 3, 1893, as amended, and requires a number of signatures equal to 2 per cent. of the "largest entire vote" for any officer elected at the last preceding election in the district or division. Your papers were received when we were very busy with that kind of work and the vote for Congress in 1908 was taken as a basis. It was afterwards found that there had been an election in the district in 1909, that of judge of the court of common pleas, and the vote cast for Hon. John M. Garman was as follows: Republican, 16,957; Democratic, 12,242; Socialist, 300; total, 25,589, 2 per cent of which 592, and all the papers filed containing but 577 signatures; of course they could not be filed.

Very truly, yours,

ROBERT MCAFEE,
Secretary of the Commonwealth.
Per W. I. F.

The following is a copy of the letter relative to my withdrawal from the Keystone nomination. (The same being marked "Contestant's Exhibit A." T. A. M. May 6, 1911. Rebuttal.)

WILKES-BARRE, PA., October 10, 1910.

HON. ROBERT MCAFEE,

Secretary of the Commonwealth, Harrisburg, Pa.

DEAR SIR: I hereby withdraw as a candidate of the Keystone Party representative in Congress from the eleventh district of Pennsylvania and request you not to certify my nomination.

GEORGE R. MCLEAN.

COMMONWEALTH OF PENNSYLVANIA, *County of Luzerne, ss.*

Personally appeared before me the subscriber, a notary public for the Commonwealth of Pennsylvania, residing in the city of Wilkes-Barre, county and State aforesaid, George R. McLean, who in due form of law acknowledged the above letter of withdrawal to be his act and deed.

In witness whereof, I have hereunto set my hand and notarial seal the day and year first above written.

[SEAL.]

R. B. ALEXANDER, *Notary Public.*

Commission expires March 3, 1913.

SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA.

(On the next page of the withdrawal appears the following):

HARRISBURG, *May 3, 1911.*PENNSYLVANIA, *ss.:*

I do hereby certify that the foregoing and annexed is a full, true, and correct copy of the withdrawal of George R. McLean as a candidate of the Keystone Party, for the office of Representative in Congress, eleventh congressional district of Pennsylvania.

In testimony whereof, I have hereunto set my hand and caused the seal of the secretary's office to be affixed the day and year first above written.

[SEAL.]

ROBERT McAFFEE,
Secretary of the Commonwealth.

(Contestant offers in evidence in rebuttal of the testimony of Mr. Fleming, of the secretary of the Commonwealth's office, an act to apportion the State into congressional districts, approved the 11th day of July, 1901, Pennsylvania Law 652, et. seq. Also offers in evidence an act to designate the several judicial districts of the Commonwealth as required by the constitution, etc., approved 18th July, 1901, Pennsylvania Law 639, et. seq.)

Mr. LENAHAN. I wish you would go on and tell the conversation you had with Mr. Ricketts about Mr. Bowman attempting to get the Prohibition nomination.

Mr. JONES. Objected to as not being in rebuttal as to any proof adduced by the contestee.

Mr. MCLEAN. On Monday, October 24, 1910, having learned the preceding evening that Mr. Robinson was being pressed to withdraw as the Prohibition candidate for Congress, I went to the office of Mr. Agib Ricketts, and there met his son, Alexander Ricketts, who is practicing law with his father.

Q. Their office and their residence is under the same roof?—A. Under the same roof.

Q. The office is the residence of Mr. Agib Ricketts?—A. The office of both gentlemen being in the residence of Mr. Agib Ricketts.

Q. Both front on what is known as Northampton Street, in this city, Wilkes-Barre?—A. Yes, there is a door leading into the office off Northampton Street; one door going through the office and one through the front hall. I saw Mr. Alexander Ricketts and asked him where his father was, and he told me that his father was very ill—quite ill—and I said that I desired to see him on a matter of importance. And Mr. Alexander Ricketts said that he would try to have me have an interview with his father, but that he supposed that he could talk to me the same as his father. I then told him that my mission was to find out whether or not his father was disposed to substitute Mr. C. C. Bowman as the Prohibition candidate for Congress, in the event of the withdrawal of R. P. Robinson from said nomination. I said, "before your father takes any action on this matter I want him to read two articles in the issues of the Nanticoke News on October 14th and October 21. In both articles, Mr. Bowman was advertising himself as a friend of the liquor interests, and referring to prominent liquor dealers as sponsors as to his friendliness. I showed him an article in the issue of the 21st, in said paper, saying further, that Mr. Bowman had, on the previous day, attended a meeting of the saloon keepers of Nanticoke, and presented to them his claims as a candidate acceptable to the liquor interests. I told Mr. Alexander Ricketts that personally I did not nor could not accept nor ask for the Prohibition nomination, and my only interest was that neither Mr. Bowman nor myself should be indorsed. Alexander Ricketts then told me that his father had said that no one would be indorsed, that it was against the policy of the party to indorse any candidate of another

party and that they would not indorse either Mr. Bowman or myself. The following Monday, October 31, I went to Mr. Ricketts's office, quite early in the morning, as I recall it, in response to a message as I now remember, and upon entering his office, Mr. Alexander Ricketts said to me: "I misinformed you," or words to that effect, "at our last interview." I said, "in what respect, Mr. Ricketts?" He said: "When you were here last week, Mr. Bowman, or some one in his interest, had already gotten into father's bedroom and gotten his signature to a paper, substituting Mr. Bowman's name for Mr. Robinson's as the Prohibition candidate."

MR. JONES. This testimony is objected to as being entirely hearsay, and it is certainly not in rebuttal of any testimony given on behalf of the contestee, and a request is made to have it expunged from the record.

ALEXANDER RICKETTS, called on behalf of contestant in rebuttal and duly sworn by Commissioner Turner.

Examined by MR. LENAHAN:

Q. Mr. Ricketts, I wish you would go on now and state in your own way the talk you had with Mr. McLean and what you subsequently found out after you had this talk with Mr. McLean?

MR. JONES. Objected to as being immaterial and irrelevant and hearsay evidence, being evidence of a conversation between witness and Mr. McLean, the witness not being authorized to act for or bind Mr. Bowman; and, third, it is not in rebuttal of any testimony adduced by the contestee.

Q. Go right on, please, Mr. Ricketts.—A. Mr. George R. McLean came into the office that I occupy with my father on a Monday; I can't remember the date, but I am quite positive that it was Monday. He asked me about the rumor that was prevalent at that time that Mr. Robinson was about to withdraw from the Prohibition nomination for Congress, and he wanted to know about the substitution. He told me at that time that he didn't think that he should have the substitution himself, but that he didn't think that Mr. Bowman, either, should be substituted, and as a reason for that he had two copies of a Nanticoke paper—Nanticoke News, I think it was—that he produced and showed me the articles in question, indorsing to my mind, at least, Mr. Bowman as not being inimical to the liquor interests. He wanted to see father on the matter; and, if I remember correctly, I went in the house and discovered that father wasn't in condition to see him.

Q. Your father was a sick man at that time?—A. My father had been sick all fall, suffering a great deal of pain, and a large part of the time he was under the influence of some anodyne to promote sleep and stop the pain. At any rate, I was compelled to refuse Mr. McLean to see father. I told him at that time that father had told me sometime before that there would be no more substitutions in the Prohibition column. That the party had decided it was bad policy to make any substitution, and they would not make any more; and I told him there would be no substitution of himself or Mr. Bowman. We had some further conversation that was immaterial; that was all on that day's visit. About a week later—it was four or five days later, however—that I learned from father that the substitution of Mr. Bowman's name for Mr. Robinson had been made. I tried to get Mr. McLean on the telephone, because I felt that he was relying upon my assurance, and in response, I presume, to a call I had left at his office, he came in my office a week from that time, the following Monday. When he came in I said, "George, I believe I lied to you the other day;" and he asked me why. And I told him that I had learned that the substitution of Mr. Bowman's name had been made at that time.

Q. You are a justice of the peace?—A. Yes, sir.

Q. And you are authorized to administer oaths?—A. Yes.

Q. Your father never called upon you or did you administer any oath to him under such substitution?—A. No.

Q. Do you know anything about any one having gone in there to see your father before this substitution was made with a view to having a meeting or with a view to having him swear to any paper relative to this substitution?—A. I never knew there was anyone there at the time at all. He had several callers whom I thought were there on that business.

Q. Who were they?—A. If I remember rightly just one came there. It was Jonathan R. Davis, and after that Mr. Bowman came in, not on the same day, however, if I remember right.

Q. When they came to see your father what room, or what part of the house you occupy, did they come? Your office or the house?—A. In the office.

Q. On each occasion?—A. They couldn't have found me in the house.

Q. Did Mr. Bowman or Mr. Reynolds ever come to your office and go from your office to your father's room?—A. Mr. Bowman did. I don't know what Mr. Reynolds you refer to.

Q. George Reynolds?—A. The notary public? No; Mr. Reynolds was never in the office at all about that time.

Mr. JONES. Objected to for the reason given as to the testimony of the other witnesses, and ask that it be expunged from the record, especially as it is in no rebuttal of any testimony that has been heretofore offered on the part of the contestee, and we would like this same objection to cover the testimony given by the last witness, Mr. Alexander Ricketts.

Mr. LENAHAN. I want to offer the mine report for the year, 1909 and 1910, from the State department of mining.

CHARLES MEEKINS, called on behalf of contestant in rebuttal and duly sworn by Commissioner Turner.

Examined by Mr. LENAHAN:

Q. Mr. Meekins, I wish you would go on and tell in your own way, without any suggestions from me, the history of this taxicab.—A. It is a quite long one.

Mr. JONES. Objected to as not being in rebuttal of any proof offered by the contestee.

Q. You entered into a contract with Shepherd to purchase a taxicab from him?—A. Yes.

Q. How much were you to pay for it?—A. \$600.

Q. How much did you pay him down?—A. \$5 to bind the bargain.

Q. And after that, if a man by the name of Sands made an examination of the taxicab, and after he had, what?—A. Sands was employed by the Matheson Motor Car Co. as an expert tester. I didn't feel satisfied that I knew enough about automobiles to buy the car and I didn't want to get stuck. I simply gave Sands \$5, took him to Pittston with me to examine the car, and told him that I wanted him to tell me whether I should buy that car. Well, we went up to look over the car, and at that time we didn't take anything apart on the car; we simply went there to look it over and take a ride. We took a ride up the hill with Mr. Shepherd and his son; that is, we went up some hills in Pittston—

Q. Who was running the car at the time?—A. Shepherd's oldest son.

Q. Did Shepherd, the father, run the car?—A. No; and he wouldn't permit us to do anything with the car. Finally Sands told me to buy the car, and I bought the car, and I wish I hadn't.

Q. Why did Shepherd say he was selling the car?—A. The history of that was that he wanted to get another taxicab. He said there wasn't enough business in Pittston for two taxicabs.

Q. After you bought the taxicab from whether or not he purchased another taxicab?—A. Yes; a few days after that he purchased another taxicab from Robert Johnston.

Q. After you got the taxicab down here, what money did you give Jonathan R. Davis? Tell us everything following that.—A. The first money I paid Jonathan R. Davis, in the first place—no, I am ahead of my story. I gave Shepherd \$5. They took me to a lawyer's office down here, Mr. McAniff, that was to bind the bargain; that \$5 was given on the purchase price. I agreed to do that; then I gave Jonathan R. Davis \$85 cash money.

Q. Was Davis to do anything in the way of paying off the balance?—A. Davis gave Shepherd his check for \$200 and a note for \$300 due in three months' time.

Q. In other words, you paid \$100 and Davis paid \$500?—A. Yes.

Q. What did you discover wrong with the taxicab after you got it down here in Wilkes-Barre, after you had been using it?—A. I discovered it was a pile of junk; that the troubles with the car were too numerous to mention.

Q. How were the tires; were they worthless?—A. They were rotten; they wouldn't stay on the tires.

Q. How were the rims?—A. They were 1905 rims.

Q. Were they worn out or otherwise?—A. Yes; they were worn out to such an extent that you couldn't keep a tire on them.

Q. What about the magneto?—A. That was completely on the bum, altogether. Shepherd had sent that away to the factory himself.

Q. What about the whole thing itself? Was that a serviceable taxicab?—A. No, sir; and it could not be made serviceable to-day yet.

Q. You discovered that Shepherd had overreached you in the sale of that taxicab, didn't you?—A. Yes, sir; I certainly did.

Q. Whether or not you went to Jonathan R. Davis and told him that you proposed to arrest Shepherd for imposing on you?—A. Yes, sir; I did. As soon as I had gotten hold of the car and started to run it I seen that Shepherd got in on me, and seen that we were stuck good and hard. Well, I didn't want to give the car up, and I told Mr. Davis that I was going to have Shepherd arrested for selling that car under false pretense. Davis said, No, don't do that; Shepherd would have the laugh on us for getting stuck.

Q. Well, after that did you try to make the car serviceable?—A. Yes; I tried to make that car serviceable, and I couldn't do it.

Q. What money was spent by you and Davis on the car?—A. I can't tell the exact sum.

Q. Did you repair the magneto?—A. Yes; altogether I know we spent \$20. We spent \$20 at Billy Lee's garage; the bill was some 20 odd dollars. The car was painted; I don't know whether that was ever paid.

Q. What about the universal joint?—A. That cost \$14.85.

Q. Whether that is all the money that Davis paid on that car, so far as you know?—A. As far as I know that is all that he ever paid. He might have paid \$10 more for incidentals; not any more to the best of my recollection.

Q. Do you know Mr. Eddy, foreman of the Wyoming Motor Car Co.?—A. Yes.

Q. Whether or not he and several others, Mr. Meekins, tried to put that car in shape?—A. Yes.

Q. Did they fail?—A. I should say they did fail. They failed to put that car in shape—in serviceable condition to make it run in any way.

Q. What would you say about the car?—A. It was a piece of junk. I got robbed good and hard in that deal.

Q. Did Jonathan R. Davis know that it was a piece of junk?—A. He certainly must have known it, after it cost so much for repairs.

Q. Did you find out afterwards there were parts obscure and worn out?—A. One part we didn't examine; we couldn't see it when we got the car. We took the car apart in Billy Lee's garage over there on Pennsylvania Avenue, and I wanted ot drive the car from Billy Lee's garage over to Jackson Street, and when I started out the universal joint broke. I cranked her up again, and I could not make her go. It is a small piece that is in there; I forget what they call it. It is on the order of a soldering iron; but that was broke too. I found out that it was broken several times before that.

Q. And no matter what efforts you exerted you could not make the car run satisfactorily?—A. No.

Q. What was the experience you had with Mrs. Biddle and Charlie Lenahan?—A. Charlie Lenahan said to me—he had a book of my tickets—he had a book of tickets—he said, "Meekins, why don't you get a good car?" I said, "I am going to." He said, "That car is all right for me to ride in, but * * * my wife won't ride in it again."

Q. What about Mrs. Biddle? Tell your experience regarding that.—A. Mr. Biddle telephoned to me—

Mr. JONES. Objected to as not being evidence and immaterial and irrelevant.

Q. Go on.—A. Mr. Biddle telephoned to me to go down to get his wife at the house—to call for her at the house and take her to the depot. I went down and met her, and then the trouble started with the car. Afer I got Mrs. Biddle in the car, then the car started to act up, and I had some trouble in getting her to the depot from their house. Finally I got her to the depot, and she said she would walk home, and she did.

Q. Whether or not you and Jonathan R. Davis finally put the car out of service?—A. Yes, sir.

Q. Was it worth anything?—A. I wouldn't give him a * * * cent for it.

Q. Not a cent?—A. No, sir.

Q. It was perfectly worthless?—A. Yes.

Q. Did Jonathan R. Davis know it was a worthless car?—A. Yes; certainly he did.

Q. And you finally junked it?—A. Yes, sir; I tried four months to keep it up, and I couldn't do it.

Q. What did Jonathan R. Davis say to you, in case he couldn't sell the car, what he would do with the car?—A. That question was never taken up.

Q. You had \$100 in the car?—A. Yes.

Q. And he had \$500 in the car?—A. Yes.

Q. Did Jonathan R. Davis ever tell you that he had sold the car?—A. I never seen Jonathan R. Davis since to speak to him.

Q. And he never informed you that he sold the car to Mr. Bowman and he had received \$700 for it?—A. No; only what I saw in the papers.

Q. What did you see in the papers?—A. That Jonathan R. Davis got \$700 for the taxicab. That was the first that I knew of it.

Cross-examination by Mr. JONES:

Q. How did you come to go to Jonathan R. Davis to get him interested in this taxicab?—A. I went in to ask him in what way I could get the advancement of some money in the line of insurance.

Q. Didn't you go to him to borrow money from him in the first instance?—A. No.

Q. Afterwards didn't you try to borrow money from him?—A. No, sir.

Q. Well, what prompted you to go there?—A. I seen that he was in the real estate business, insurance, bonds and mortgages.

Q. How did you come to talk about taxicabs?—A. We talked about it in a general way.

Q. How did you come to get him to put his money in a venture like that?—A. He did it of his own free will. In the first place, he offered \$25 and I told him that it would take more than that—

Q. How many months did you run that taxicab in Wilkes-Barre?—A. From the 12th February till the 10th June.

Q. You ran it for four months?—A. Yes, off and on.

Q. What did you do with the money you took in?—A. What did I do with the money I took in?

Q. Yes.—A. In the first place I had to keep the expense of the car; there was no money in it.

Q. Didn't Davis pay over \$100 to keep the car in repair?—A. No, sir; he did not.

Q. Didn't he pay those expenses that you are talking about?—A. No, sir; he did not. He paid for the universal joint, which was something over \$14 and that is all that I know that he paid, with the exception of some incidentals, may be \$10.

Q. You entered into a written agreement with him to buy the car from him for \$700?—A. \$600.

Q. For \$600? Didn't you enter into a written agreement with him to pay \$700 for this car?—A. \$600 I said.

Q. That was \$600 besides the \$100 that was paid?—A. No, sir. Jonathan R. Davis put in \$500 and I put in \$100.

Q. You were to buy this car from Davis?—A. Yes.

Q. He took title from it?—A. Yes.

Q. Did you ever go around to see him when you needed repairs on that car?—A. Yes, sir.

Q. Did he ever tell you that he wouldn't give you another cent of money?—A. No.

Q. And he finally took the car away from you?—A. No, that is a damn lie.

Q. Where are you working now?—A. I am working at the Adder Machine Works.

Q. Didn't George R. McLean get you that position?—A. No, sir.

Q. Who got you that position?—A. William S. McLean, father of George R. McLean, who is a great friend of my father's.

Q. Since the contest was started, wasn't it?—A. No, sir.

Q. When did you get that position?—A. That was the 21st day of November. That was long before they started proceedings of this contest.

Q. Well, it was after election, wasn't it?—A. Yes.

Mr. JONES. The contestee objects to the testimony of the witness Meekins, and requests that it be expunged from the record as not being material, and if material at all, not in any way rebuttal of any proof adduced by the contestee.

(Adjourned until Wednesday morning, May 10, 1911.)

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON, EVAN C. JONES, and JOHN H. DANDO, Esqs., his attorneys:

You are hereby notified that on Wednesday the 10th day of May, 1911, at 10 o'clock in the forenoon, at Room 12 (sheriff's sales room), at the courthouse of Luzerne County, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before Arthur L. Turner, a notary public of the State of Pennsylvania residing in the city of Wilkes-Barre in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Agib Ricketts, Frank Argust, Wilkes-Barre, Pa.

GEO. R. MCLEAN.

Service accepted May 4, 1911.

JOHN H. DANDO, Counsel for Contestee.

WEDNESDAY, 10 o'clock a. m., May 11, 1911.

Met at the sheriff's salesroom, pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; John T. Lenahan, Esq., John E. Jenkins, Esq., A. C. Campbell, Esq., counsel for contestant; Arthur L. Turner, Esq., commissioner for contestant; Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., commissioner for contestee.

AGIB RICKETTS, recalled on behalf of contestant in rebuttal.

Examination by Mr. CAMPBELL.

Q. Mr. Ricketts, at the time that Mr. Bowman came to your office to have you sign the paper substituting him as the Prohibition nominee for Congress, was Mr. Reynolds with him?—A. Yes, sir; he didn't come to my office, he came to my room.

Q. He came to your room?—A. Yes.

Q. Did you make any affidavit to that paper substituting the name of Mr. Bowman for the name of Robinson?—A. I have no recollection of making any affidavit. My recollection is that Bowman, Davis, and Reynolds came there.

Q. Was there an oath administered to you?—A. No.

Q. There was not?—A. No; but I want to explain right here so you will all understand the situation: I had been in bed sick for about a month or nearly so, suffering with an excruciating back, and the only peace that I could get at all was under the influence of anodyne. I was sitting up in a chair, it is true, wrapped up in blankets and quilts, and was sitting there by the advice of the doctor, as he said a change of position would be of benefit to me, and that was the situation they found me in when they came there. I had agreed to sign the paper, and did sign it without any difficulty when they came. Understand, I thought that Mr. Davis and Mr. Reynolds were friends of Mr. Bowman, that is what I thought about it.

Q. Did you know that Mr. Reynolds came there in his capacity as a notary public?—A. No, sir; I knew that Mr. Reynolds was a notary public, but I knew nothing of it that day. I simply thought that he was a friend of Mr. Bowman's.

Cross-examination by Mr. JONES:

Q. You had signed prior to this time a good many substitutions?—A. Yes.

Q. And you knew that it was necessary that they be sworn to?—A. I can't say as to that. I gave it no thought at that time.

Q. Every time that you had made a substitution you had sworn to them before?—A. I don't remember that. I suppose that I did.

Q. Of course you wouldn't swear positively that you hadn't taken any affidavit to this substitution?—A. I have no recollection of doing it. As I said before, the whole matter was conducted very briefly. I have no recollection of an affidavit.

Redirect examination by Mr. CAMPBELL:

Q. I call your attention to this paper that is a certified copy of the substitution [witness shown paper].—A. There are three decided mistakes in this paper, if you want me to call your attention to them.

Q. A certified copy of the certificate of substitution of C. C. Bowman for the office of Congress for the name of Robert P. Robinson is shown witness on the Prohibition ticket, and witness is asked to point out the mistakes that he has referred to.—A. It first states that there was a meeting of the executive committee, and there was no meeting. In the next place it says that the rules of the party authorize the committee to fill such vacancy. That is not correct. The next place it says that the party authorized to make such substitution is composed of A. Ricketts and Frank Argust, and it leaves out the name of W. B. Bertels.

Mr. JONES. All this testimony is objected to and a request is made that it be expunged. It is not in rebuttal of any fact proven by the contestee, and deprives the contestee the right to disprove this statement, he having no sur-rebuttal nor time allowed by law for surrebuttal.

I would also like this objection to cover the testimony of witness Meekins.

(The certificate above referred to is offered in evidence and marked "Contestant's Exhibit B. T. A. M., May 6, 1911, rebuttal," the following being a copy of the paper.)

OFFICE OF THE SECRETARY OF THE
COMMONWEALTH OF PENNSYLVANIA,
Wilkes-Barre, Pa., Oct. 21, 1910.

To THE SECRETARY OF THE COMMONWEALTH,
Harrisburg, Pa.:

This certifies that at a meeting of the executive committee of the Prohibition Party organization of the eleventh congressional district, Luzerne County, Chas. C. Bowman was selected as the candidate of said party in said district to fill the vacancy on the ticket caused by the withdrawal of Robert P. Robinson, and that the rules of said party authorize the committee to fill such vacancy, the committee representing said party authorized to make substitution is composed of A. Ricketts and F. Argust, and this manner of substitution has been the custom of said party for years.

A. RICKETTS, *Chairman.*
FRANK ARGUST, *Secretary.*

Personally appeared before me, a notary public, residing in the city of Wilkes-Barre, the above-named A. Ricketts and Frank Argust, who, being duly sworn according to law, say that the facts set forth in the above certificate are true and correct.

Witness my hand and notarial seal this 22d day of October, 1910.

[SEAL.] G. W. REYNOLDS, *Notary Public.*

My commission expires March 11, 1913.

Filed in the office of the secretary of the Commonwealth on the 24th day of October, A. D. 1910.

LEWIS E. BEITLER,
Deputy Secretary of the Commonwealth.

OFFICE OF THE SECRETARY OF THE
COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, February, 14, 1911.

PENNSYLVANIA, ss:

I do hereby certify that the foregoing and annexed is a full, true, and correct copy of certificate of nomination, of Chas. C. Bowman, as the candidate of the Prohibition Party, for the office of Representative in Congress, eleventh district of Pennsylvania, as the same remains on file in this office.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed the day and year above written.

[SEAL.] LEWIS BEITLER,
Deputy Secretary of the Commonwealth.

FRANK ARGUST, recalled on the part of the contestant in rebuttal.

Examined by Mr. CAMPBELL.

Q. Mr. Argust, when you signed the paper certifying to the substitution of the name of Bowman for Robinson, for the Prohibition candidate for Congress, who were present?—A. I couldn't tell you.

Q. Do you know Mr. Reynolds, Mr. G. W. Reynolds?—A. Yes.

Q. Was he present?—A. I have just a recollection there was one person, but what that is I can't tell.

Q. Did you make an affidavit at the time you signed your name to that certificate?—A. No, sir.

Q. Witness shown contestant's Exhibit B. T. A. M., May 6, 1911, rebuttal, being a certified copy of the substitution of the name of Bowman for Robinson, for the Prohibition Party, for the nomination. Please look at that paper.

(Witness examines paper.)

Q. Was there a meeting of the executive committee at which C. C. Bowman was selected the candidate of the Prohibition Party?—A. No, sir.

Q. Do the rules of the Prohibition Party authorize the committee to fill the vacancy caused by the withdrawal of Robert P. Robinson?—A. Why, it doesn't seem so, according to our last previous hearing. We would think that we had no convention at all.

Q. Do you recall, Mr. Argust, Mr. G. W. Reynolds, notary public, coming to your place of business?—A. He and Mr. Bowman came to see me one evening. I was very busy and it was about closing time and I had trouble with one of my machines and I was very much excited at the time. I didn't feel that I had any time to give them that night.

Q. Did you say anything to Mr. Reynolds that night?—A. I don't remember saying anything to Mr. Reynolds that night.

Q. Did you sign the paper that night?—A. I didn't sign the paper that night.

Q. Did you make an affidavit to the paper which you signed?—A. No, sir.

Q. Who were the members of the executive committee on October 21, 1910, Mr. Argust?—A. Mr. Ricketts was the chairman, myself was the secretary, and W. B. Bertels was treasurer.

Mr. JONES. Contestee objects to the testimony of this witness as not being in rebuttal, and being proper only in chief, contestee being deprived, by reason of no time for rebuttal, or rather surrebuttal, being allowed for the rebutting of this testimony, and a request is made that the testimony be expunged from the record.

GEORGE WAGNER, recalled on behalf of the contestant in rebuttal.

Examined by Mr. JENKINS:

Q. Have you brought with you the primary and general election expense account of C. C. Bowman, contestee in this case, and Jonathan R. Davis, his chairman and manager?—A. Yes, sir.

Q. These accounts have heretofore been produced and offered in evidence and not duly marked in evidence. The contestee now offers them again in evidence and to be marked as exhibits. (The papers referred to are offered in evidence and are marked "Contestant's Exhibit C. T. A. M. May 6, 1911, rebuttal.")

Mr. JONES. This offer is objected to as being too late. The accounts, if material in this issue, were proper only as evidence in chief, there being no question raised by the contestee in his testimony affecting these accounts, and their offer now can under no circumstances be considered rebuttal.

Q. Have you the expense accounts of the candidates of the Keystone Party for the various offices in the year 1910?—A. I have all that was filed.

Q. What is the amount of the expenses returned by Senator DeWitt on the Keystone Party for the office of senator?—A. Less than \$50.

Q. That is for the nomination?—A. Nomination and election expenses.

Q. Is that the only one that is filed?—A. Yes; for the Keystone Party.

Q. What is the amount returned by Asa K. DeWitt, returned by the candidate for senator for the nomination for senator on the Keystone ticket?—A. (Reading:) "Did not expend any money or other valuable thing in connection with the office."

Q. What return did C. C. Bowman, Prohibition candidate for Congress, make in the expense account as filed by him, for the nomination and election?—A. I don't remember of any.

Q. Was there any return made by C. C. Bowman for the nomination or election?—A. In his account for election he don't say for what party; he just says, "for the office of Congress in Luzerne County."

Q. There is no return by C. C. Bowman as the Prohibition candidate?—A. Not marked specially for the Prohibition candidate, just his expenses for Congress.

Q. Just look at that again and see if there is a return marked "Republican candidate for Congress"?—A. It is backed up, "In re Expense account of C. C. Bowman, Republican candidate for Congress."

Q. Is there any other account filed by C. C. Bowman?—A. That is all that is filed. In the other the clerk put this on in backing that up.

(Offer the paper in evidence and marked, "In re Expense account of C. C. Bowman, Republican candidate for Congress. Filed in the clerk of the quarter sessions office, Luzerne County, December 3, 1910.")

The paper is marked "Contestant's Exhibit D. T. A. M. May 6, 1911, rebuttal")

Q. Mr. Wagner, in the year 1910, how many liquor licenses were granted in the borough of Freeland?—A. Seventy-six altogether; all classes.

Q. In the same year, how many were granted in Pittston Township?—A. Twenty-six.

Q. In the same year, how many were granted in Warrior Run?—A. Nine.

Q. In the same year, how many in the city of Pittston?—A. Seventy-one.

Q. In the same year, how many in the borough of Avoca?—A. Twenty-one.

Q. How many in Jenkins Township in the same year?—A. Seventeen.

Q. In the same year, how many in the borough of Edwardeville?—A. Thirty-three.

Cross-examination by Mr. JONES:

Q. How many liquor licenses in the county last year?—A. One thousand three hundred and seventy-one of all classes granted.

(This testimony of the witness is objected to as not being in rebuttal of any fact produced by the contestee, and a request is made that it be expunged from the record.)

CRAWFORD SMITH, recalled on behalf of the contestant in rebuttal.

Examined by Mr. CAMPBELL:

Mr. Smith, you are the chief clerk in the county commissioner's office of Luzerne County?—A. Yes.

Q. Have you the register of voters for the fall election of 1910 for the Northwest district of Foster Township, the Hazle Brook district of Foster?—A. Yes.

Q. The Northwest district of Foster?—A. Yes.

Q. And the twelfth district of Hazle Township?—A. Yes.

(Offer the books in evidence and marked Ex. E. T. A. M., May 6, 1911, contestant in rebuttal.)

Also Ex. F. T. A. M., May 6, 1911, contestant in rebuttal.

Cross-examination by Mr. JONES:

Q. Were these the registers used in the election by the election board?—A. No, sir; this is the original register, from which the others are copied.

Mr. JONES. We object to this as not being in rebuttal of any testimony offered by the contestee, and a request is made that the testimony be expunged from the record.

Redirect examination by Mr. CAMPBELL:

Q. In the primary election for Congress in 1911, how many votes were cast for the Republican nominee? What was the total vote cast for Congress?—A. At the primary, total Republican vote was 14,998.

Q. What was the total Democratic vote?—A. 6,610.

Q. What was the Prohibition vote?—A. 24.

Q. At the same primaries what were the votes—what number of votes cast in the second ward of Edwardeville?—A. Republican, 11 votes; Democratic, 112.

Q. What was the Prohibition?—A. I haven't got the Prohibition.

Q. Do you know A. W. Drake, of Hazleton?—A. Yes.

Q. What is his business—what is his position?—A. He is superintendent for Pardie & Co., at Lattimer, Harwood, and Milnesville.

Q. In Hazle Township?—A. Hazle Township.

Q. What colliers are located in the North district of Foster Township?—
ship?—A. None that I know of.

Q. Well, Hazle Brook is in Foster?—A. That is in Foster.

Q. And what other collieries there?—A. None that belong to Wentz & Co.
They—I mean they belong to Wentz & Co.—they don't belong to Pardee & Co.

Q. What collieries are located in the North district of Foster Township?—
A. Upper Lehigh. Upper Lehigh is the Northwest. North is right outside of
Freeland.

Mr. JONES. The contestee refuses to cross-examine this witness, and the same
objection as heretofore given, and a request is made same as to the other wit-
nesses' testimony.

EUGENE GIERING, recalled on behalf of contestant in rebuttal.

Examination by Mr. CAMPBELL:

Q. You are the editor of the Wilkes-Barre Record?—A. Yes.

Q. (Witness shown copy of the Wilkes-Barre Record of Friday, March 24,
1911, and his attention is called to the editorial entitled "Congressional contest.")
Did that article appear in the edition of the Record of March 24, 1911?—A.
(Witness looking at paper.) Yes.

Q. As the editorial utterances of the Wilkes-Barre Record?—A. Yes.

Q. It appears in the first column of the Wilkes-Barre Record, page 10?—A.
Yes.

(The paper is offered in evidence and marked "Contestant's Exhibit G.
T. A. M., May 6, 1911; rebuttal," the following being the article in question:)

" CONGRESSIONAL CONTEST.

" The conclusion of the evidence for the contestant in the McLean-Bowman
congressional contest affords the opportunity to review only one side of the
case. For that reason judgment as to the standing of the respective principals
should be withheld until both sides have been heard. But it is pertinent and
proper at this time to point out and emphasize certain general conclusions.

" The first and most important is that altogether to much money was spent
by Mr. Bowman in order to secure the nomination and the election. And what
we say of Mr. Bowman pertains to other congressional candidates who pre-
ceded him and to candidates for other offices in Luzerne County, Democrats
as well as Republicans. Campaign expenditures have reached a scale beyond
all reason and justice. When rival candidates in a congressional or district
attorney or any other campaign spend as much as \$30,000 it is high time to
call a halt. No such sum is necessary to protect the interests of rival candidates
at the polls and disseminate all essential information. When political con-
tests lead to such enormous extravagance the temptation to commit fraud is
great. The Record has long urged an amendment of the corrupt practices act
placing an arbitrary limit upon all campaign expenditures—gaged according to
the salary of the office or the population of the district. Further amendments
should restrict the amount to be paid to watchers and for the dissemination of
information. Beyond public meetings, the printing and distribution of cards
and circulars, and newspaper advertising there is no occasion for reaching the
public. The habit of giving five or ten dollars to every Tom, Dick, and Harry
to "work" for a candidate should be absolutely prohibited.

" Considerable of the testimony just taken had to do with the giving of
money to employees in and about the mines. It will, of course, be contended
that since so large a part of the population of Luzerne County is engaged in
mining it was necessary to secure some workers from the ranks of mine
employees. It makes not a particle of difference whether money is paid to
individuals as miners or mine bosses, as brewery and saloon workers, or in any
other occupation, the practice is reprehensible and it should be abolished. The
election system can not be reformed until it is abolished. When campaign
expenditures are limited to reasonable requirements and the way is closed to
the distribution of money to a horde of clamoring individuals on the mere
promise that they will "work" for the interest of a candidate, one of the most
disreputable and disgraceful attributes of the present system will be done away
with or at least greatly curtailed."

Mr. JONES. Contestee objects to the testimony of this witness, and request is
made that it be stricken from he record as not rebuttal.

WILLIAM S. MCLEAN, JR., recalled on behalf of contestant in rebuttal.

Examined by Mr. CAMPBELL:

Q. You paid \$50 to Michael T. Welsh of the borough of Edwardsville?—
A. Yes.

Q. When did you pay it to him?—A. I paid Mike Welsh \$50 on the morning after the primaries; that would be June 6.

Q. The primaries were on Saturday, June 4?—A. That was Monday, June 6.

Q. Have you accounted for that payment in your account?—A. That was money paid by me to Mike Welsh for obtaining poll men in the borough of Edwardsville during the primaries. I was not the treasurer of the Democratic Party at that time.

Q. For whom did you pay that money? In whose behalf?—A. That money was paid to Mike Welsh account of an understanding or at least an arrangement that had been made with him. He said he would obtain poll men in the interest of George R. McLean, the Democratic candidate for the Democratic nomination. And the money was subsequently paid him after the primaries, the \$50 agreed upon.

Q. Was that payment of \$50 accounted for in the account of George R. McLean?—A. I don't know.

Q. When did you make the arrangement with Mike Welsh for the employment of poll men?—A. In the primaries in June. A few days prior to the primary election.

Q. Was the \$50 paid to Mike Welsh to pay the poll men which he was supposed to engage or was it made to him to get his assistance, his assistance w/ith other people in the election in the fall?—A. It was paid to him for obtaining poll men on behalf of George R. McLean in the primary election, Saturday, June 4.

Q. How much money did you receive from John J. Moore?—A. As I have already testified, John J. Moore placed in the hands of E. J. Moore \$212.50 to be used with \$212.50 belonging to George R. McLean in the second legislative district.

Q. Mr. John J. Moore testified that he paid \$270.—A. On the day I gave him a receipt for \$270 for his portion of his fund contributed by him, I gave him that receipt, and a short time afterwards, in looking over my accounts, I found the same should have been \$212.50, and I notified him to that effect, and I believe that he testified that in error he filed that voucher for \$270 instead of \$212.50.

(Cross-examination: no questions.)

GEORGE R. MCLEAN, recalled on behalf of the contestant in rebuttal.

Examination by Mr. CAMPBELL:

Q. Mr. McLean, in 1894, who was the Republican candidate for Congress?—
A. John Leisenring.

Q. Who was the Democratic candidate?—A. William H. Hines.

Q. What was Leisenring's business?—A. He was a coal operator.

Q. From the speech of the people, what was his financial condition?—A. He was a very wealthy man.

Q. What was the business of Mr. Hines?—A. He was a lawyer.

Q. In 1896, who was the Republican candidate for Congress?—A. Morgan B. Williams.

Q. In 1894, who was elected Congressman?—A. John Leisenring, the Republican candidate.

Q. In 1896 who was the Republican candidate for Congress?—A. Morgan B. Williams.

Q. What was his business?—A. He was President of the Red Ash Coal Co. and the Williams Coal Co.

Q. What was his financial condition?—A. He was a man of considerable means.

Q. Who was the Democratic candidate?—A. John M. Garman.

Q. At that time who was John M. Garman?—A. He was a lawyer at the bar of Luzerne County.

Q. Who was elected?—A. Morgan B. Williams.

Q. In 1898, who was the Republican candidate?—A. Morgan B. Williams.

Q. Who was the Democratic candidate?—A. Stanley W. Davenport.

Q. At that election who was elected?—A. Stanley W. Davenport.

Q. If you know, how much money did Mr. Williams spend in that election for Congress?—A. \$5,100.

Q. In the year 1900, who was the Republican candidate for Congress?—A. Henry W. Palmer.

Q. What is his business?—A. He is counsel for various corporations.

Q. He is a lawyer?—A. Yes; and counsel for a large number of railroad companies and coal companies in Luzerne County and vicinity.

Q. Just name some of the companies?—A. First, he was counsel or attorney for the Lehigh & Wilkes-Barre Coal Co.

Q. That is a subordinate of the Philadelphia & Reading, or rather that is a subordinate of the land controlled by the Philadelphia & Reading?—A. That is a coal branch of the Philadelphia & Reading.

Q. What other companies?—A. The Lehigh Valley Coal Co. and the Kingston Coal Co.

Q. He was also attorney for the Central Railroad of New Jersey?—A. Yes. I am going to the railroads after.

Q. You begin with the Lehigh & Wilkes-Barre Coal Co., which company is controlled by the Central Railroad of New Jersey?—A. Yes.

Q. Which is in turn controlled by the Philadelphia & Reading Co.?—A. Yes.

Q. Then he was attorney for the Kingston Coal Co.?—A. Yes, sir.

Q. What other coal companies?—A. The Lehigh Valley Coal Co.

Q. What others?—A. The Susquehanna Coal Co.

Q. The Susquehanna Coal Co. was controlled by the Pennsylvania Coal Co.?—A. Yes.

Q. And that was controlled by the Erie Coal Co., or the Erie Railroad?—A. Yes.

Q. What others, if you know? Was he attorney for Pardee & Co.?—A. I can't answer that. I know that he was attorney for several of the coal companies in the Hazleton region.

Q. What railroads was he attorney for?—A. He was attorney for the Pennsylvania Railroad; the Central Railroad of New Jersey; he was an associate of Mr. Andrew H. McClintock for the Delaware, Lackawanna & Western Railroad Co.

Q. In fact he was practically attorney for all the coal companies and railroads in this county?—A. Yes.

Q. That is, practically speaking?—A. Yes.

Q. Who was the Democratic candidate that year?—A. Stanley W. Davenport.

Q. Who was elected?—A. Henry W. Palmer.

Q. In 1902, who was the Republican candidate?—A. Henry W. Palmer.

Q. Who was the Democratic candidate?—A. Thomas R. Martin.

Q. What was the business of Mr. Martin?—A. He was a lawyer at the Luzerne County bar.

Q. Who was elected?—A. Henry W. Palmer.

Q. In 1904, who was the Republican candidate?—A. Henry W. Palmer.

Q. Who was the Democratic candidate?—A. William Raeder.

Q. Who was elected?—A. Palmer was elected.

Q. What was Raeder's business?—A. He was a lawyer at the Luzerne County bar.

Q. In 1906, who was the Republican candidate for Congress?—A. There was no Republican candidate; the convention—the Republican convention—broke up, and both Henry W. Palmer and B. J. Cobleigh claimed the nomination. B. J. Cobleigh, being largely interested in coal operations here, namely, the Kingston Coal Co.

Q. Who was the Democratic nominee?—A. John T. Lenahan.

Q. What was Mr. Lenahan's business?—A. Lawyer.

Q. Who was elected?—A. John T. Lenahan; the Republicans had no candidate that year.

Q. In 1908, who was the Republican candidate?—A. Henry W. Palmer.

Q. Who was the Democrat?—A. John H. Bigelow.

Q. What is the business of Mr. Bigelow?—A. He is a lawyer of Luzerne County.

Q. Who was elected?—A. Henry W. Palmer was elected.

Q. In 1910 who was the Republican candidate?—A. Charles C. Bowman.

Q. What is his business?—A. Coal operator.

Q. And who was the Democratic nominee?—A. George R. McLean.

Q. And C. C. Bowman was returned as having been elected?—A. True.

Q. Were there any of the Democratic nominees that you have named, were there any of them connected with any of the coal companies as officers or stockholders that you know of?—A. There are none connected as officials and stockholders. Mr. Lenahan has, at various times, been counsel for several coal companies, but not retained counsel.

Q. Mr. Lenahan was merely trial lawyer in some cases?—A. Yes, a trial lawyer in some cases they had.

Q. As compared with the Republican candidates were there any of the Democratic nominees known as men of great wealth in this county?—A. Not one of the Democratic candidates on that ticket for Congress since 1894 is a man known in this community as a man of more than moderate means and circumstances, and most of them are poor men.

Q. And all the Republican candidates?—A. Have all been men of great wealth.

Q. Mr. McLean, what efforts have been made by you to subpoena Mrs. C. C. Bowman, wife of C. C. Bowman?—A. When the hearings started in this contest, I personally went to Mrs. Bowman's house, to C. C. Bowman's house, and I understand, was told that Mrs. Bowman was away. I then had a subpoena for Mrs. C. C. Bowman placed in the hands of Frederick Streng, of Pittston, who lives directly opposite. Mr. Streng returned that subpoena and told me that Mrs. Bowman was out of town. I then got another subpoena out and gave it to Mr. Streng, and he gave it back again in two or three days, and told me that Mrs. Bowman had left about the 15th or the 20th of February for Nova Scotia. I then had George F. Buss, who lives almost across the street from C. C. Bowman, keep on the lookout for her return, and I gave the subpoena with the blank day of return to Mr. Buss, or rather to the son of Mr. George F. Buss for service as soon as Mrs. Bowman returned to Pittston. I then tried to find out from John B. Law when Mrs. Bowman would return, Mr. Law being her brother, and was informed that he did not know; but at a later time in my office he told me that she had gone to Europe from Nova Scotia. I also wish to state here that Mrs. Bowman's relatives and her people living around there did not know of Mrs. Bowman's contemplated trip. And Miss Robinson, the private secretary, or whatever she might be of Mr. Bowman, told me when I first asked her, that she did not know where Mrs. Bowman was, that she was out for a short time. Mrs. Bowman has not returned from the 15th of February or thereabouts to this time, and our numerous efforts to subpoena her have been without avail.

Mr. JONES. This testimony as to the efforts to find Mrs. Bowman has not been in rebuttal and particularly as being hearsay evidence as to her whereabouts.

Mr. CAMPBELL. Where is Mr. Streng now?—A. Mr. Streng is chief clerk for the Prudential Life Insurance Co. here in Wilkes-Barre; either the Prudential or the Metropolitan Life Insurance Co.

Q. Where is he now?—A. I don't know, Mr. Campbell.

Q. Have you seen him lately?—A. I haven't seen Mr. Streng for probably a month.

Q. I will volunteer the information that he is up in Schenectady. You heard W. S. McLean, Jr., testify about the payment of the \$50 to Michael Welsh in June. Did you account for the payment of that \$50?—A. Yes, sir; in my primary expenses for poll men.

Cross-examination by Mr. JONES:

Q. You skipped one here in the elections of Congressmen from the time you began giving the number of elections. Where is Stanley W. Davenport, the poor lawyer? He was elected?—A. Yes, sir; elected over Morgan, Morgan B. Williams.

Q. But Williams was a large coal operator?—A. In 1898; I have testified to that.

Q. Mr. Davenport was elected that year?—A. Yes.

Q. Did you make any request for Mrs. Bowman from counsel for Mr. Bowman?—A. Yes.

Q. What request did you make?—A. It appears on the record the request that I made, that her books be presented; Mr. Bowman acknowledging on the record that he had drawn money from his wife's bank accounts.

Q. Did you make any request that she should be produced?—A. I would say that my answer is fairly intelligent.

Q. Did you make any request of counsel of Mr. Bowman that she be produced that you might serve a subpoena?—A. The request was made, as the

record shows at the time. I didn't speak to Mr. Bowman or counsel for Mr. Bowman.

Mr. JONES. We object to the testimony, except that in regard to Mike Welsh as not being rebuttal, and a request is made that it be stricken from the record. Counsel for the contestee desires to state the following on the record: That he has been attorney at this bar almost as long as Mr. McLean; that we have no objection as to Henry W. Palmer being employed by the various coal companies; that Henry W. Palmer was never employed by the Central Railroad Co. or the Lehigh Valley Coal Co., the regularly retained counsel for the said company being Andrew H. McClintock, Esq., and Mr. Palmer occasionally acted as trial lawyer with Mr. McClintock on account of his exceptional ability as a trial lawyer. As to the Lehigh Valley Railroad Co. and the coal company, the attorneys for said companies for a period of time prior to the first candidacy of Mr. Palmer have been Wheaton, Darling, and Woodward, and the only occasion when Mr. Palmer was called was as above stated. The attorney for the Kingston Coal Co. and the Susquehanna Coal Co., for a time long prior to Mr. Palmer's candidacy, was Mr. A. L. Williams, and only occasionally called Mr. Palmer in in the trial of cases. The same applies to the Delaware & Lackawanna Railroad and the coal company, the regularly retained attorney being Andrew H. McClintock, Esq. In all these cases Mr. Palmer, for the last 12 years, has acted only occasionally with the regularly retained counsel in the trial of cases.

Mr. CAMPBELL. In reply thereto if the attorney desires to testify as to the statements which were made here we will give him the opportunity. If the counsel does not avail himself of this opportunity I desire to state that some of the statements that he made are not correct in a great many particulars.

Mr. JONES. Will you please designate them?

Mr. CAMPBELL. If you want them. I know something about Mr. Palmer's connections. I was with him a great many years.

Mr. JONES. You haven't been with him for 12 years.

FRANCIS DOUGLAS, called and sworn on behalf of contestant in rebuttal.

Examination by Mr. CAMPBELL:

Q. You are the cashier of the First National Bank of Wilkes-Barre?—
A. Yes, sir.

Q. Witness shown Contestee's Ex. D. H. F. G., April 21, 1911, and his attention is called to the perforation 19-22-10. Please explain the cause of that perforation "19"?—A. We have a check canceller which perforates and cancels all checks that pass through the bank in the way of payment. And this check cancellation part is composed part of six wheels, and these wheels—and these wheels are placed in their right positions for perforation on the day for which the check was paid, and they are held in place by six steel pegs. This "1" got through there of course around, but the peg being lost or dropped out, that is the steel peg, and the "1" worked up in its place instead of the stars which should have been there. That is the explanation.

Q. On what date is that check charged to the account?—A. That is charged on September, the ninth month, the 22nd day, 1910.

Q. Have you the deposit slips showing the deposits? Have you some of the deposit slips showing deposits made by George R. McLean in your bank?—A. Yes. (Witness produces slips.)

Q. Have you the deposit slips made by George R. McLean on August 15, 1910?—A. Yes.

Q. What check or checks was deposited by George R. McLean on that day as shown by these slips?—A. Check of William S. McLean, Jr., on the First National Bank of Wilkes-Barre, Pa., for \$875.

Q. How much did you say?—A. \$875.

Q. Witness shown check of William S. McLean, Jr., July 7, 1910, marked Contestee's Ex. E., for \$240 to whose account was that deposited as shown by those deposit slips?—A. Check of William S. McLean, Jr., special of \$240, dated July 7, 1910, was deposited to the credit of William S. McLean, Jr., July 9, 1910.

Q. Witness shown check of William S. McLean, Jr., special, bearing date August 11, 1910, for \$500 marked Contestee's Ex. G. To whose account was that deposited?—A. Check of William S. McLean, Jr., special, for \$500 payable to the order of William S. McLean, Jr., dated August 11, 1910, was deposited to the credit of William S. McLean, Jr.

Q. On what date?—A. August 11, 1910.

Q. Witness shown check of September 2, 1910, Contestee's Ex. H. To whose credit was that deposited, and when. Check of William S. McLean, Jr., special? William S. McLean, Jr., special, for \$500 payable to the order of George R. McLean, dated September 2, 1910, was deposited to the credit of George R. McLean, September 2, 1910.

Q. Check of William S. McLean, Jr., November 12, 1910, Contestee's Exhibit N, to whose account was that check deposited and when?—A. Check of William S. McLean, Jr., special, dated November 12, 1910, payable to the order of William S. McLean, Jr., for \$400, was credited to the account of William S. McLean, Jr., on November 12, 1910.

Q. Check, William S. McLean, Jr., special, November 18, 1910, Contestee's Exhibit M, to whose account and when was that deposited?—A. 11-23-1910. Check of William S. McLean, Jr., special, dated November 18, 1910, payable to the order of William S. McLean, for \$75, was very likely credited to William S. McLean on November 23, 1910.

Q. Check of William S. McLean, Jr., special, dated November 19, 1910, Contestee's Exhibit P, to whom was that credited, and when was that check deposited?—A. Check of William S. McLean, Jr., special, dated November 19, 1910, payable to the order of William S. McLean, Jr., for \$190, was credited to the account of William S. McLean, Jr., November 19, 1910.

Mr. JONES. We object to the testimony as not being in rebuttal, and ask that it be expunged from the record.

(Adjourned until 1.30 p. m. to-morrow afternoon, May 11, 1911.)

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON, EVAN C. JONES, and JOHN H. DANDO, Esqs., his attorneys:

You are hereby notified that on Thursday, the 11th day of May, 1911, at 10 o'clock in the forenoon, at room 12 (sheriff's salesroom), at the courthouse of Luzerne County, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Arthur L. Turner, Wilkes-Barre, Pa.

GEORGE R. MCLEAN, Contestant.

Service accepted May 5, 1911.

EVAN C. JONES, Counsel for Contestee.

MAY 11, 1911—1.30 P. M.

Met pursuant to adjournment.

Appearances: George R. McLean, contestant, in person; A. C. Campbell, Esq., John E. Jenkins, Esq., counsel for contestant; Arthur L. Turner, Esq., commissioner for contestant; Evan C. Jones, Esq., John H. Dando, Esq., counsel for contestee; John A. Opp, Esq., commissioner for contestee.

Mr. JENKINS. We offer the Mine Report of 1909 and 1910—

Mr. JONES. We object to the offer, for the reason that the Mine Report of 1910 has not been published, and the offer as to both 1909 and 1910 reports is objected to unless specific provisions or sections or paragraphs are referred to, in order that counsel for contestee may ascertain whether or not such matters contained in the offer are competent rebuttal.

Mr. JENKINS. Replying to the objection of the contestee for the 1910 Mine Report, counsel for contestant desires to state on the record that the contestant not having the facilities enjoyed by the contestee and its counsel to ascertain in advance of the publication the number of its pages of said report, that they desire to offer in evidence the entire report to be produced before the Committee on Contested Elections, if pertinent to the matter in controversy.

Mr. JONES. The contestee makes answer as follows: That they at no time object to any offer on the part of the contestant to be read from any page of the Mine Report of 1909 or 1910; but they desire the specific page or the paragraph, the report of 1909 being published and widely distributed, and anybody could get a copy.

GEORGE R. MCLEAN, recalled on behalf of the contestant in rebuttal.

Examined by MR. JENKINS:

MR. MCLEAN. I desire to correct my testimony in relation to the filing of the Keystone nomination papers in respect to my former testimony that I had filed the same personally. As a matter of fact they were filed by my counsel at the time, Mr. Arthur L. Turner, and that came about by reason of the fact that I had filed personally the preemption for the Keystone nomination, and thereby was confused.

NOTICE OF HEARING, NAMES OF WITNESSES, ETC.

To Hon. CHARLES C. BOWMAN, contestee, or Hon. FRANK W. WHEATON, EVAN C. JONES, and JOHN H. DANDO, Esqs., his attorneys:

You are hereby notified that on Thursday, the 11th day of May, 1911, at 10 o'clock in the forenoon, at Room 12 (sheriff's salesroom), at the courthouse of Luzerne County, Pa., and at such other times and places to which adjournments may be taken and such other witnesses as may be hereafter subpoenaed and notice of their production given to you, before John A. Opp, a notary public of the State of Pennsylvania, residing in the borough of Plymouth, in said county, duly commissioned and acting as such and hereby designated as an officer for issuing writs of subpoenas and requiring the attendance of witnesses before him, as provided by sections 109, 110, and 111 of the Revised Statutes of the United States, depositions will be taken of witnesses whose names and places of residence are as follows:

Arthur L. Turner, Wilkes-Barre, Pa.

GEO. R. MCLEAN, Contestant.

Service accepted May 5, 1911.

EVAN C. JONES, Counsel for Contestee.

ARTHUR L. TURNER, called on behalf of the contestant in rebuttal and duly sworn by Commissioner Opp.

Examined by MR. JENKINS:

Q. You are a practicing lawyer at this bar?—A. Yes.

Q. You are the commissioner designated by the contestant in this case under the act of Congress?—A. Yes.

Q. Did you file the nomination papers of Mr. George R. McLean whereby he claimed to have obtained the nomination as the Keystone candidate for Congress in this district?—A. I did.

Q. You filed them at Harrisburg?—A. Yes.

Q. Were you present when the testimony of Mr. Fleming was taken in the office of Mr. Jones, counsel for the contestee in this case?—A. Yes.

Q. When did you go to Harrisburg to file the nomination papers for Mr. McLean for the Keystone nomination for Congress?—A. I went down, I think, the 30th of September, 1910.

Q. Did you take the nomination papers that were produced by Mr. Fleming, here, in Mr. Jones's office with you?—A. Part of those papers Mr. Fleming had I took with me.

Q. Did you present them at the office for filing?—A. I took them to the office of the secretary of the commonwealth and gave them to the clerk that was in charge at the office. I first went to the office of the secretary of the commonwealth and saw Mr. Thorne. I had a talk with Mr. Thorne. He is the chief in the secretary of the commonwealth's office—that is, he is chief clerk—and I talked to him as to the form of the nomination papers.

Q. Did you take the papers to him—did you submit the papers to him for inspection at that time?—A. Yes, sir; and I asked him relative to the necessary number of signatures to be computed, and he told me 2 per cent of the largest vote cast at the last preceding election. I then went down to the courthouse and obtained a certified copy of the preemption paper; came back again to the office of the secretary of the commonwealth, and saw Mr. Fleming. Mr. Thorne was not there at that time.

Q. You saw Mr. Fleming, who appeared here as a witness?—A. Yes.

Q. Go on.—A. Mr. Fleming took my papers, looked them over as to form, looked over the affidavits, saw that the signatures and affidavits were the signatures of men who had signed the petition itself in each instance, counted

the names, and reached in his desk and took out a little pamphlet that he had there, showing the vote cast, turned to the vote of Gen. Henry W. Palmer, who ran for Congress in 1908 and was elected, took 2 per cent of that vote; and found upon the paper which I presented there were 20 or 30 signatures more than 2 per cent of General Palmer's vote.

Q. What did he then say and do?—A. He then told me that the papers were all right, stamped on the cover "filed," and placed the date in writing. I asked him, as he left his desk preparatory to leaving the office, if the papers were all right and whether they were actually filed, and he told me yes.

Cross-examination by Mr. JONES:

Q. Mr. McLean has referred to you as his counsel. Were you his counsel or are you his counsel?—A. I was his counsel at that time as to the papers.

Q. As a lawyer, why didn't you look up the law and see what the requirements of the statute were?—A. I did.

Q. What did you find them to be?—A. I found them to be 2 per cent of the vote received—the largest vote received for any candidate in that district.

Q. When?—A. At the last preceding election.

Q. Largest vote received by any candidate at the last preceding election—2 per cent of that?—A. Yes.

Q. That would be Judge Garman's vote, wouldn't it?—A. Judge Garman was in the eleventh district of Luzerne County. It was not the congressional district.

Q. The eleventh judicial district, in which Judge Garman was a candidate, and the eleventh congressional district, they are coextensive—they embrace the same territory?—A. They are coextensive, embrace the same territory, and the same voters.

Redirect examination by Mr. JENKINS:

Q. Judge Garman was a candidate in the eleventh judicial district in the election of 1908?—A. Yes, sir.

Q. And he received both nominations—the Republican and the Democratic—for judge?—A. Yes; I think that he took one or two other nominations.

Q. Mr. Turner, when you returned to the office of the secretary of the commonwealth, after having obtained the certificate of preemption from the office of the prothonotary of Dauphin County, how long did you remain in the office in consultation with Mr. Fleming?—A. I was there 15 or 20 minutes.

Q. With Mr. Fleming?—A. With Mr. Fleming.

Q. Were there any other people in the office waiting to do business with him?—A. Nobody else in the office. We conducted matters very leisurely. I talked to Mr. Thorne in the morning for half an hour or so; nobody waiting to see him.

Mr. CAMPBELL. Offer the order of the court made, No. 550, December term, 1910, "In re correction of registry list of the district of H'zle Brook, Foster Township. Now, November 7, 1910, it is ordered that the following names be stricken off the registry, namely, Joel F. Stevens, Steve H. Stevens, Patrick Gillespie, and Adam Ford, because they were written on the book by a person other than the registrar, and the following names, viz., Charles Miller, Henry Shritt, Theodore Neffl, William Merrine Fred Delman, Charles Morgans, William Tilly, Charles Hepler, George Betz, Herman Myers, Elias Miller, David Header, and Gust Warner, from 86 to 90, inclusive, be stricken off the registry, because they were not properly and legally registered, and the evidence show that they are not legal voters in said district. By the court."

Filed November 7, 1910.

Mr. JONES. Objected to as being immaterial in any part of this inquiry, and particularly as not being in rebuttal of any evidence produced by the contestee, and a request is made that the evidence be stricken from the record.

OLIN F. HARVEY recalled on the part of the contestant in rebuttal.

Examined by Mr. CAMPBELL:

Q. Mr. Harvey, you are the deputy prothonotary?—A. Yes, sir.

Q. The prothonotary's office has had custody of the election returns made for the election of 1910?—A. Yes, sir.

Q. The contestee has said that in the returns from the south district of Wilkes-Barre Township they were not signed by the minority inspector. Please read what is indorsed on the triplicate return of the south district of Wilkes-

Barre Township: (Witness reading.) "My reason for not signing these returns, I challenged Joseph Galbish, and the board of the south district of Wilkes-Barre Township refused to accept the challenge. (Signed) Minority Inspector John Nalen."

ELIAS COHEN recalled on behalf of the contestant in rebuttal.

Examined by MR. CAMPBELL:

Q. What was the total vote cast for Congress in the election held November, 1908, in the eleventh congressional district?—A. Palmer, Republican, 20,525; Palmer, Prohibition, 508; total, 21,033. Bigelow, Democratic, 18,569; Lavin, Socialist, 983.

Q. What was the highest vote for any person voted for in the election, 1908, in the eleventh congressional district?—A. Palmer, 20,525, Republican.

Q. What was the total number of votes cast, the person receiving the highest number of votes cast at the election held November, 1908, in the eleventh congressional district?—A. Henry W. Palmer, candidate, Republican and Prohibition, 21,033 votes.

Q. What was the vote for President in the Borough of Freeland in the year 1908?—A. Republican, 591; Democrat, 339.

Q. What was the vote for McLean and Bowman in the Borough of Freeland, 1910?—A. Bowman, Republican, 474; Bowman, Prohibition, 12; McLean, Democratic, 289.

Q. What was the vote for President in 1908 in Pittston Township?—A. Republican, 68; Democratic, 688.

Q. What was the vote for McLean and Bowman in Pittston Township in 1910?—A. This is without the fourth district counted, that was thrown out by court. Omitting the fourth district, thrown out by the court, the vote is Bowman, 38; McLean, 162.

Q. What was the vote for President in 1908 in Warrior Run?—A. Republican for President, 64; Democratic for President, 56.

Q. What was the vote for McLean and Bowman in 1910 in Warrior Run Borough?—A. Bowman, Republican, 78; Bowman, Prohibition, 7; McLean, Democrat, 28.

Q. What was the vote for President in 1908 in the city of Pittston?—A. Republican, 851; Democratic, 1,297.

Q. What was the vote for McLean and Bowman in 1910?—A. Bowman, Republican, 586; Bowman, Prohibition, 21; McLean, Democratic, 605.

Q. What was the vote for President in 1908 in the Borough of Avoca?—A. 212 Republican, 449 Democratic.

Q. What was the vote for Bowman and McLean in Avoca Borough, 1910?—A. Bowman, Republican, 190; Bowman, Prohibition, 12; McLean, Democrat, 170.

Q. What was the vote for President in 1908 in Jenkins Township?—A. Republican, 121; Democrat, 569.

Q. What was the vote for Bowman and McLean in 1910 in Jenkins Township?—A. Bowman, 68; McLean, 221.

Q. What was the vote for President in 1908 in Edwardsville Borough?—A. Republican, 813; Democratic, 274.

Q. What was the vote for Bowman and McLean in Edwardsville in 1910?—A. Bowman, Republican, 394; Bowman, Prohibition, 18; McLean, Democrat, 149.

MR. CAMPBELL. I will make this offer. We offer the returns of election made by the various judges of election to the prothonotary of Luzerne County, for the election held in November, 1910, Butler Township, upper Lehigh district, Freeland Borough, first, third, fourth, and sixth wards; Foster Township south, Hazlebrook district; and the northwest upper Lehigh district, Hazle Township, third, tenth, twelfth, and thirteenth districts; Hazleton city, second, sixth, and thirteenth wards; Ashley Borough, first ward; Warrior Run Borough; Laffin Borough; Pittston city, sixth ward; second district, Hunlock Township, north district; Newport Township, middle district; Nanticoke Borough, fifth and ninth wards; Edwardsville Borough, second, third, sixth, and seventh wards; Plymouth Borough, third ward; Plymouth Township, sixth west district; West Pittston Borough, eighth ward.

MR. JONES. Move that all the testimony of the last witness be stricken from the record as not being in rebuttal.

Testimony closed sine die.

We hereby certify that the foregoing named witnesses were duly produced, sworn and examined before the commissioners within named at the several times

and places noted; that their testimony, as well as the contents of the various offers and exhibits, and objections of the respective counsel, were taken down by us in shorthand; that the above and foregoing is a true and correct type-written transcript of the same.

THOMAS A. MCANDREWS, *Stenographer.*
H. F. GEDDES, *Stenographer.*

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

I, Bayard Hand, a notary public, duly authorized under the laws of the State of Pennsylvania, and holding an unexpired commission, authorizing me to administer oaths and take depositions, and in pursuance of the provisions of sections 110, 111, and 112 of the Revised Statutes of the United States, do hereby certify that on the 25th day of February, 1911, at the house of James B. Gilboy, Main Street, Borough of Duryea, Luzerne County, Pennsylvania, I was attended by James B. Gilboy and M. A. Cleary, Jr., witnesses mentioned on pages 842 to 858, both inclusive, of the contestant's testimony, who, being duly sworn to tell the truth, the whole truth, and nothing but the truth, in a cause there pending in the House of Representatives of Congress of the United States of America, wherein George R. McLean was the contestant for a seat in the House of Representatives of the Sixty-second Congress of the United States of America from the eleventh congressional district of the State of Pennsylvania, and the Hon. Charles C. Bowman was the contestee, did depose and say, as in their depositions filed with the Clerk of the House of Representatives, pursuant to law, doth appear.

And I do further certify that upon said hearing I was attended by William S. McLean, Jr., counsel for contestant, and by Evan C. Jones, counsel for contestee, and by Miss Margaret A. Clarke, stenographer, and that legal proof of notice to said contestee of the time and place of taking said depositions was made.

And I do further certify that the said depositions were correctly reported, accurately transcribed, and reduced by said stenographer to typewriting, and that the transcript of same, as sealed and forwarded by me to the Clerk of the House of Representatives aforesaid, is a full, true, and correct transcript of all the testimony taken and evidence adduced upon said hearing.

And I do further certify that I am not related by blood or marriage to any of the parties in this cause, nor am I interested directly or indirectly in the event of said cause.

And I do further certify that on the 31st day of May, 1911, the said depositions and evidence were by me duly sealed and delivered and forwarded by registered mail addressed to Hon. South Trimble, Clerk of the House of Representatives, Washington, D. C.

In testimony whereof I have hereunto set my hand and affixed the seal of my office this 31st day of May, 1911.

[SEAL.]

BAYARD HAND, *Notary Public.*

My commission expires February 21, 1915.

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

We, Arthur L. Turner, a notary public, acting a commissioner for George R. McLean, contestant, and John A. Opp, a notary public, acting as commissioner for C. C. Bowman, contestee, duly authorized under the laws of the State of Pennsylvania, and holding unexpired commissions authorizing us to administer oaths and take depositions, and in pursuance of the provisions of sections 110, 111, and 112 of the Revised Statutes of the United States, do hereby certify that on the several days at the several times and places mentioned on pages 1 to 841, inclusive, being a portion of contestant's case in chief, and on pages 1 to 51, inclusive, being contestant's case in rebuttal, we were attended by the several witnesses mentioned on pages 1 to 841, inclusive, of contestant's case in chief, and page 1 to 51, inclusive, of contestant's case in rebuttal, who, being severally sworn to tell the truth, the whole truth, and nothing but the truth, in a cause there pending in the House of Representatives of Congress of the United States of America, wherein George R. McLean was the contestant for a seat in the House of Representatives of the Sixty-second Congress of the United States of America from the eleventh congressional district of the State of Pennsylvania, and the Hon. Charles C. Bowman was the contestee, did dispose and say, as in their depositions filed with the Clerk of the House of Representatives, pursuant to law, doth appear.

And we do further certify that upon the several hearings we were attended by one or more of the following gentlemen: Hon. John T. Lenahan, A. C. Campbell, Esq., John E. Jenkins, Esq., and Edwin Shortz, Jr., Esq., as counsel for the contestant, and by one or more of the following gentlemen: Hon. Frank W. Wheaton, Evan C. Jones, Esq., John H. Dando, Esq., and William Bowman, Esq., as counsel for the contestee, and by Thomas A. McAndrews and Harry F. Geddes, stenographers, and that legal proof of notice to said contestee of the time and place of taking said depositions was made.

And we do further certify, that pursuant to an agreement entered into by counsel for contestant and contestee, the said depositions were correctly reported, accurately transcribed, and reduced by said stenographers to typewriting, and that the transcript of same, as sealed and forwarded by us to the Clerk of the House of Representatives aforesaid, is a full, true, and correct transcript of all the testimony taken and evidence adduced upon said several hearings.

And we do further certify that we are not related by blood or marriage to any of the parties in this cause, nor are we interested directly or indirectly in the event of said cause.

And we do further certify that on the 31st day of May, 1911, the said depositions and evidence were by us duly sealed and delivered and forwarded by registered mail addressed to Hon. South Trimble, Clerk of the House of Representatives, Washington, D. C.

In testimony whereof we have hereunto set our hands and affixed the seal of our office this 31st day of May, 1911.

[SEAL.]

AUTHUR L. TURNER, Notary Public.

My commission expires 21st Jan., 1915.

[SEAL.]

J. A. OPP, Notary Public.

My commission expires 12 March, 1915.

INDEX.

WITNESSES FOR CONTESTANT.

	Page.		Page.
August, Frank.....	19	Johnson, Robert.....	365
Atherton, Thomas H.....	315	Jones, Evans.....	371
Beach, John.....	414	Jones, Jonathan R.....	478
Bowen, Robert.....	105, 115	Jones, Nathaniel.....	239
Bowman, C. C.....	21-43,	Joyce, James A.....	216, 345
148, 162-172, 203-212, 228, 233		Karbocki, John.....	113, 140, 154
Boyle, Thomas.....	387	Kehoe, John.....	213
Brislin, James.....	452	Kerbaugh, Chester.....	466
Burbeck, James.....	454	Korn, Adam.....	482
Burns, John.....	375	Lance, Oscar.....	320
Campbell, A. C.....	380	Laycock, Charles W.....	325
Carey, A. A.....	358	Lesser, Adam.....	407
Chamberlain, William.....	373	Lewis, John C.....	190
Charles, Nathaniel.....	434	Lily, William.....	439
Cictolo, Nicholas.....	447	Long, Matthew.....	295
Cleary, Michael A., jr.....	495, 504	Lubbargo, Michael.....	467
Cohen, Elias.....	298	McDermott, Neil.....	304-311
Cooper, J. D.....	193	McFadden, James.....	388, 484
Crawford, W. Earl.....	369	McKay, John.....	317
Crooks, John.....	417	McKeown, Patrick.....	340
Davies, William H.....	424	Maxey, B. F.....	157
Davis, David.....	311, 331	Meehan, Thomas.....	350
Davis, Jonathan R.....	61-78,	Merritt, Henry W.....	218, 222
83-97, 240, 251-264, 394		Miller, George.....	430
Davis, Thomas.....	333	Miller, Henry.....	389
Devey, Thomas.....	385	Milligan, Robert.....	218
Dills, Geary.....	380	Morgan, Gomer.....	229
Dougherty, Peter.....	416	Mullen, Martin.....	347
Dreher, E. C.....	7	Nogee, Joseph.....	479, 480
Drumheller, Warren.....	459	O'Brien, P. H.....	334
Dykins, William.....	290	O'Donnell, Daniel B.....	115, 122
Eaton, Harry.....	223	Oliver, Thomas.....	475
Edwards, John P.....	330	Panko, John.....	413
Edwards, Lewis.....	110	Peck, J. L.....	11
Edwards, William.....	417, 440	Phillips, Thomas R.....	322
Ellsworth, A. J.....	378	Poynton, Thomas.....	389
Evans, Edward J.....	127	Price, Arthur E.....	387
Evans, John.....	459	Quinn, James.....	148
Giering, Eugene G.....	173-184	Quinn, Peter.....	484
Gilboy, James B.....	501	Richards, Walter.....	430
Gillespie, Michael.....	393	Ricketts, Agir.....	13
Griffith, B. F.....	385	Robinson, Joseph F.....	79
Guscott, Charles H.....	98	Robinson, Nina J., Miss.....	43-60, 265, 273
Hall, Weasley.....	441	Robinson, Robert P.....	472
Halper, Moses.....	469	Rodda, Fred.....	403
Harkins, John.....	123, 131, 133	Roderick, David.....	426
Harvey, Charles.....	463	Rohland, Charles.....	442
Harvey, Olin.....	132, 139, 250, 264, 320, 480	Rowlands, Thomas.....	358
Harvey, Olin F.....	377	Sacco, Frank.....	451
Hatton, Thomas J.....	483	Schieffley, J. E.....	128
Hendershot, Fuller.....	295, 296	Search, Wilbur.....	383
Henry, John.....	457	Shields, Thomas.....	129, 136
Hinkle, Joseph, jr.....	403	Smith, Charles B.....	291
Hollister, W. H.....	283	Smith, Crawford C.....	469
Hooper, Fred M.....	121	Smith, Ernest G.....	215, 325
Hughes, William.....	353	Smith, Hiram.....	225
Jennings, William P.....	184	Stevens, Joel F.....	460

	Page.		Page.
Swank, Freas.....	446	Wallace, James.....	219
Timlin, William.....	355	Weiss, Cyrus.....	197
Trembath, W. J.....	294	Williams, A. E.....	190, 193
Trescott, Rhone.....	316	Williams, B. F.....	323
Wagner, George.....	78, 97, 304, 324	Wyworski, Ladislaus.....	481

WITNESSES FOR CONTESTEE.

Bigelow, John.....	582	Malineowski, Emil.....	588
Buss, George.....	541	Mohr, John.....	654
Butler, William J.....	528	Moore, E. J.....	511, 639
Clauss, Oliver A.....	647	Moore, John J.....	521, 686
Cohen, Elias.....	723, 749	Morgan, George L.....	635
Comerford, M. B.....	728	Murray, John J.....	580
Conlon, William.....	651	Payne, H. B.....	741
Davis, B. W.....	570	Piggott, Moses.....	736
Devers, Roger.....	556	Price, Hugh.....	591
Dixon, Joseph.....	652	Rogewicz, John.....	636, 638
Edwards, Lewis.....	747	Rolla, Fred.....	722
Finn, Morris.....	652	Ryan, Lawrence.....	738
Fleming, W. I.....	757	Schott, F. L.....	596
Franklin, John.....	621	Schultz, Moritz.....	576
Freeman, Joseph.....	572	Sheridan, R. B.....	605
Guscott, Charles.....	748	Shephard, C. S.....	729
Harvey, Olin.....	743, 748	Shymonovich, John.....	581
Houser, William.....	617	Smith, Ernest G.....	640
Judge, James J.....	524	Smith, Oscar.....	733
Keating, Mr.....	739	Solomon, Moses.....	573
Keatish, Michael H.....	735	Standish, J. F.....	734
Kelly, William.....	646	Straub, Philip.....	609
Kennedy, Thomas.....	632	Stoneham, Lee.....	651
Knilikowski, Alex.....	638	Thomas, Daniel.....	722
Lee, Joseph A.....	552	Thomas, Daniel E.....	712
Llwendly, Thomas.....	654	Thomas, George.....	619
McDonald, Michael F.....	617	Thomas, Jenkins.....	653
McAndrew, R. A.....	593	Tushinski, Louis.....	637
McCarthy, John.....	650	Twarowsaki, Anthony.....	648
McFadden, James.....	611	Wagner, George.....	702, 702-712
McGroarty, John F.....	574	Walsh, David.....	745
McLean, George R.....	560,	Walsh, Edward.....	746
	621, 684, 716-721, 749	Weigand, Thomas.....	654
McLean, William, sr.....	656-667,	Wiegand, J. C.....	600
	670-684, 687-701	Wynne, John.....	733

WITNESSES FOR CONTESTANT IN REBUTTAL.

Argust, Frank.....	776	Meekins, Charles.....	771
Cohen, Elias.....	786	Mulvey, Michael J.....	765
Douglas, Francis.....	782	Ricketts, Agib.....	774
Brandt, C. H.....	766	Ricketts, Alexander.....	770
Giering, Eugene.....	778	Robinson, Nina, Miss.....	765
Harvey, Olin F.....	785	Smith, Crawford.....	777
Hemlock, Andrew M.....	765	Trembath, William J.....	763
McGuigan, John.....	766	Turner, Arthur L.....	784
McLean, George R.....	767-770, 779, 784	Wagner, George.....	776
McLean, William S., Jr.....	779		

OFFICERS BEFORE WHOM DEPOSITIONS WERE TAKEN.

For contestant:			Page.
Bayard, Hand.....	494-504		
Opp, John A.....	6-494		
Turner, Arthur L.....	6-494		

For contestee:			Page.
Opp, John A.....	505-762		
Turner, Arthur L.....	505-762		

For contestant in rebuttal:			Page.
Opp, John A.....	763-788		
Turner, Arthur L.....	763-788		

O
< - - - - - > - - - - - 66 modulated Google

100

